

**ORDER OF BUSINESS  
BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA**

**SEPTEMBER 23, 2008**

**TUESDAY  
9:30 A.M.**

**COMMISSION  
CHAMBERS**

**1. CALL TO ORDER**

- A. Roll Call
- B. Invocation
- C. Pledge of Allegiance

**2. AGENDA APPROVAL**

- A. Additions, Deletions, Substitutions
- B. Adoption

**3. CONSENT AGENDA (Pages 7 - 32)**

**4. PUBLIC HEARINGS - 9:30 A.M. (Pages 33 - 35)**

**5. REGULAR AGENDA (Pages 36 - 40)  
TIME CERTAIN 11:30 A.M. (Ten-Year Plan to End Homelessness) (Page 37)**

**6. BOARD APPOINTMENTS (Pages 41 - 43)**

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to receive and file:** Resolution No. 08-06 of the Town Council of the Town of Mangonia Park, Florida, urging the Florida Legislature to equalize funding based on population to provide each region of Florida, including South Florida, its fair share of State funding. Countywide
  
2. **Staff recommends motion to approve:** a Grant Agreement with the Palm Beach County Black Business Investment Corporation (BBIC) in the amount of \$88,000 from October 1, 2008, to September 30, 2009. **SUMMARY:** This Grant Agreement with the BBIC will provide for operational expenses necessary to continue providing consulting services and financial assistance to existing and start-up small businesses in Palm Beach County. The scope of services outlined for FY 2009 include: obtaining ten (10) business loan approvals from banking institutions in the amount of \$1,400,000; serving 400 clients; and creating/retaining 140 full-time jobs. Funding is included in the 2009 budget. Countywide (DW)
  
3. **DELETED**
  
4. **Staff recommends motion to approve:** a Grant Agreement with The Palm Beach International Film Festival, Inc. (PBIFF) in the amount of \$100,000 from October 1, 2008, to September 30, 2009. **SUMMARY:** The scope of services included in this Grant Agreement falls within four (4) categories: **A)** Operations: recruit 250 films for the Film Festival, with the goal of 10% of being international; obtain the participation and commitment from 50 talent-industry professionals with the objective of raising awareness of the Film Festival, and feedback for future expansion strategies; and provide operational support services for all aspects of the Film Festival; **B)** Revenue Generation: match 100% of County grant with private funds; and develop fundraising/awareness events in 2008-2009; **C)** Education: provide scholarships to the winners of the Student Showcase of Films and develop student liaisons between the PBIFF and the Palm Beach County public school system to encourage participation in the Film Festival; and **D)** Economic Development: offer a seminar on film industry issues; meet with the business community through the Business Development Board and Chambers of Commerce to encourage local production companies to participate in the Film Festival activities; and assist the Tourist Development Council and the PBC Economic Development Office in updating the economic impact of the Film Festival in the County. The reported 2008 economic impact on tourism from out of County visitors was \$1,026,999. The International Film Festival is scheduled from April 23-30, 2009. Funding is included in the 2009 budget. Countywide (DW)
  
5. **Staff recommends motion to approve:** a Grant Agreement with the Riviera Beach Maritime Academy (RBMA) in the amount of \$76,000 from October 1, 2008, to September 30, 2009. **SUMMARY:** Marine Tech Prep Program is in its 10th year of operations. This Grant Agreement with RBMA, a public charter school, will provide assistance for the development of the Marine Academy Program. The scope of services outlined in the Agreement include: **A)** increase enrollment by 25% in the 2008-2009 school year, from 75 to 100 students; **B)** organize eight (8) educational field trips to put in practice the marine workforce skills learned in the classrooms; **C)** organize four (4) marine industry-related projects such as the design of an underwater robot vehicle to participate in the International Robotic Competition and others; and **D)** assist senior students in their post-secondary career development through college admission or job/training opportunities within the Palm Beach County marine industries career network. Funding is included in the 2009 budget. Countywide (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

6. Staff recommends motion to approve: an Agreement with the World Trade Center Association Palm Beach (WTCPB), Inc. in the amount of \$99,000 from October 1, 2008, to September 30, 2009. **SUMMARY:** This Agreement with the WTCPB will provide funding to assist the Office of Economic Development in promoting Palm Beach County internationally, assisting local businesses to grow internationally, and motivate foreign-based companies to expand into/invest in Palm Beach County. The scope of services outlined in this Agreement include: hosting four (4) new and two (2) follow-up consulate or business Global Commerce Tours to Palm Beach County; conducting three (3) outbound trade missions to Dubai and western European nations with special focus in the Max Planck Institutes network; conducting two (2) inbound trade missions resulting from the outbound missions; providing quarterly reports of international trade strategies and marketing; marketing Palm Beach County international events and business activities; assisting in broadcasting international activities in the County; and assist in developing the Financial Industry Cluster. Funding is included in the 2009 budget. Countywide (DW)

7. Staff recommends motion to approve:

**A)** an Amendment to the criteria of the Community Development Block Grant (CDBG) Economic Set-Aside Program FY 2008/2009; and

**B)** Amendment No. 1 to the FY 2008/2009 Annual Action Plan, which will provide funding to five (5) non-profit organizations totaling \$522,000 under the revised Community Development Block Grant (CDBG) Economic Set-Aside Program FY 2008/2009.

**SUMMARY:** The proposed Amendment will allow for the funding of five (5) non-profit organizations to provide assistance and support services for the development of micro-enterprises (24 CFR570.201(o)) under the CDBG Set-Aside Program for Economic Development. The individual organizations include: The Business & Economic Development & Revitalization (BEDR) Corporation of Palm Beach County, Inc. (\$88,000), The Center for Technology, Enterprise and Development (TED), Inc. (\$88,000), The Enterprise Development Corporation (EDC) of South Florida, Inc. (\$88,000), The Enterprise Development for Glade Entrepreneurs (EDGE) Center, Inc. (\$88,000), and the Business Loan Fund of the Palm Beaches, Inc. (\$200,000). Program modifications will allow for County designated sub-recipients to receive non-competitive funds for eligible special economic development activities (24 CFR570.203) that meet a U.S. Department of Housing and Urban Development (HUD) objective. An amount of \$679,933, which represents the 10% set-aside from the FY 2008-2009 CDBG Program, is available for distribution under the CDBG Economic Development Set-Aside Program. The Amendment will allow for other HUD eligible activities not presently available in the local CDBG Economic Set-Aside Program for Economic Development. The BCC directed staff to shift the funding source for these agencies from the General Fund to CDBG Economic Set-Aside Program during the 08-09 budget process. These are federal Community Development Block Grant funds which do not require local matching funds. Countywide (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

8. Staff recommends motion to approve: five (5) Agreements funded under the Community Development Block Grant (CDBG) Economic Set-Aside Program FY2008-2009 for the period of October 1, 2008, to September 30, 2009 as follows:

**A)** an Agreement with The Business & Economic Development & Revitalization (BEDR) Corporation of Palm Beach County, Inc. totaling \$88,000;

**B)** an Agreement with The Center for Technology, Enterprise and Development, Inc. (TED Center) totaling \$88,000;

**C)** an Agreement with The Enterprise Development Corporation (EDC) of South Florida, Inc. totaling \$88,000;

**D)** an Agreement with The Enterprise Development for Glades Entrepreneurs (EDGE) Center, Inc. totaling \$88,000; and

**E)** an Agreement with The Business Loan Fund (BLF) of the Palm Beaches, Inc., totaling \$200,000.

**SUMMARY:** With funds approved by the Board of County Commissioners for the CDBG Economic Set-Aside projects, the five (5) non-profit organizations will continue to provide assistance and support for the development and expansion of micro-enterprises defined as "commercial enterprises" that have five (5) or less employees (24CFR 570.201(o)). Together these organizations will create a minimum of 106 full-time equivalent (FTE) jobs, meeting a U.S. Department of Housing and Urban Development (HUD) objective. These are federal Community Development Block Grant funds which do not require local matching funds. Countywide (DW)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.

2. Staff recommends motion to approve: the following final minutes of the Board of County Commissioners' meetings:

<b>Meeting Type</b>	<b>Meeting Date</b>
Regular	May 6, 2008
Zoning	May 22, 2008
Zoning	June 30, 2008
Regular	July 8, 2008
Emergency Meeting	August 18, 2008

3. Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

4. **DELETED**

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

5. Staff recommends motion to receive and file: two (2) of Palm Beach County's annual financial reports for fiscal year ended September 30, 2007:

A) The Units of Local Government – Annual Financial Report (AFR); and

B) Annual Financial Audit Report (AFAR), including the Single Audit Report.

**SUMMARY:** The Units of Local Government Report – Annual Financial Report serves to generate input to the State. The Annual Financial Audit Report is a special annual financial report defined in Section 10.550 of the rules of the Auditor General. This report is required to be filed annually with the Auditor General in compliance with Section 11.45 F.S. and includes the Single Audit Report. Countywide (PFK)

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve:

A) an Interlocal Agreement with the City of Delray Beach (City) to reimburse up to \$100,000 for decorative street lights; and

B) a Budget Transfer of \$100,000 in the Transportation Improvement Fund from Reserve for District 7 to Martin Luther King Boulevard from NW 4<sup>th</sup> Avenue to NW 5<sup>th</sup> Avenue – District 7.

**SUMMARY:** Approval of this Agreement will reimburse the City with funds from the Transportation Improvement Fund up to \$100,000 for the installation of decorative street lights on Martin Luther King Boulevard from NW 4<sup>th</sup> Avenue to NW 5<sup>th</sup> Avenue. District 7 (MRE)

2. Staff recommends motion to approve: a Budget Transfer of \$300,000 in the Transportation Improvement Fund from Reserve for District 1 to Roan Lane Drainage Improvement from Northlake Boulevard to Roan Court – District 1. **SUMMARY:** Approval of the Budget Transfer will provide funds to have Palm Beach County Engineering Services improve drainage on Roan Lane. District 1 (MRE)

3. Staff recommends motion to approve: a Budget Transfer of \$750,000 in the Transportation Improvement Fund from Reserves for District 5 to South County Regional Park Phase III Fiscal Year 2008 to fund a connector road to the new amphitheater in the South County Regional Park. **SUMMARY:** Approval of this Budget Transfer will fund costs associated with the construction of a connector road from the east side of the amphitheater to the west side of South County Regional Park, which will be constructed by the Department of Parks and Recreation. District 5 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. Staff recommends motion to approve:

**A)** an Interlocal Agreement with the Lake Worth Community Redevelopment Agency for the 10<sup>th</sup> Avenue North Gateways Project; and

**B)** a Budget Transfer of \$250,000 in the Transportation Improvement Fund from Reserve for District 3 to 10<sup>th</sup> Avenue North Gateways Project from I-95 to U.S. Highway 1 - District 3.

**SUMMARY:** Approval of this Agreement will reimburse Lake Worth Community Redevelopment Agency with funds from the Transportation Improvement Fund up to \$250,000 for the reconstruction of 10<sup>th</sup> Avenue North from I-95 to U.S. Highway 1. District 3 (MRE)

5. **DELETED**

6. Staff recommends motion to approve: Modification Number One to the Agreement with the Federal Emergency Management Agency through the Department of Community Affairs (DCA) which provides funding of up to 75% of the total cost of replacement of existing single strength, single hung windows with storm impact resistant single hung windows on six (6) Palm Beach County bascule bridges. **SUMMARY:** Approval of this Modification to the Agreement with the DCA will reinstate, and extend it from June 30, 2008, to December 30, 2008 so that the scope of work as set forth in Attachment "A" of the original Agreement can be completed by Palm Beach County. Districts 1 & 4 (MRE)

7. Staff recommends motion to approve: a Budget Amendment of \$4,737,000 in the Road Impact Fee Zone 2 Fund to recognize a developer contribution for right-of-way and construction costs for Forest Hill Boulevard and Jog Road (Project). **SUMMARY:** Approval of this motion would allow funding received from the developer to be utilized to fund right-of-way acquisition and construction of the Project. District 2 (MRE)

8. Staff recommends motion to approve: an Agreement with Radise International, LC to provide the necessary professional testing lab services on a task order basis, for Countywide projects, as required. **SUMMARY:** Approval of this Agreement will provide the necessary professional testing lab services throughout Palm Beach County (County) for all user departments. At the option of the County, this Agreement can be renewed annually for a period of one (1) year, with a maximum of two (2) renewals. Countywide (PK)

9. Staff recommends motion to adopt: a Resolution to accept maintenance of Flavor Pict Road, which is a thoroughfare road, between Hagen Ranch Road and Jog Road, approximately 1.07 miles, at an estimated cost of \$5,121 annually. **SUMMARY:** The developer, Winsberg Farm PUD, was required to construct Flavor Pict Road per Condition E.7 of Petition 1997-095, Resolution R2000-1707. District 5 (MRE)

10. Staff recommends motion to adopt: a Resolution vacating a 40 foot wide Utility, Drainage & Access Easement lying between lots 21 and 22 within the Plat of Le Lac, Plat 2, as recorded in Plat Book 48 Page 61, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located north of Clint Moore Road and east of Jog Road. The petitioners, who own lot 21 and lot 22, are requesting the vacation in order reconfigure and re-plat these lots accordingly. District 5 (PK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

11. Staff recommends motion to approve: Amendment Number One to the Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for intersection improvements at Blue Heron Boulevard and Congress Avenue. **SUMMARY:** The FDOT and Palm Beach County have partnered together to design additional eastbound and westbound left turn lanes, extend the existing left turn lane and add eastbound and westbound right turn lanes at the intersection of Blue Heron Boulevard and Congress Avenue under a JPA approved on January 25, 2007. Approval of this Amendment will allow the partial invoicing of design services. District 7 (MRE)
  
12. Staff recommends motion to approve:
  - A) a Reimbursement Agreement with the Village of Tequesta (Village) in an amount not to exceed \$50,000 for the design of the Village's bridge rehabilitation; and
  - B) a Budget Transfer of \$50,000 in the Transportation Improvement Fund from Reserve for District 1 to Village of Tequesta Bridge Rehabilitation – District 1.**SUMMARY:** Approval of this Agreement will financially support the Village with the Tequesta Drive bridge rehabilitation design, and the removal and relocation design of all utilities presently installed on the bridge. District 1 (MRE)
  
13. Staff recommends motion to approve: a Time Extension for a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) concerning the preparation of an Interchange Justification Report (IJR) for Central Boulevard and I-95, Project No.: 2002502S (Project). **SUMMARY:** This Time Extension will extend the expiration of the JPA to September 30, 2008. District 1 (MRE)
  
14. Staff recommends motion to approve:
  - A) a Financial Assistance Agreement with Arborwood Villas Homeowners Association to provide reimbursement funding not to exceed \$6,000 for repair of its portion of the Palmetto Park Road safety/noise barrier wall;
  - B) a Financial Assistance Agreement with Arborwood Homeowners Association to provide reimbursement funding not to exceed \$40,000 for repair of its portion of the Palmetto Park Road safety/noise barrier wall;
  - C) a Financial Assistance Agreement with Cricklewood Property Owners Association to provide reimbursement funding not to exceed \$20,000 for repair of its portion of the Palmetto Park Road safety/noise barrier wall; and
  - D) a Budget Transfer of \$66,000 in the Transportation Improvement Fund from Reserve –Road Program Sweeps to Palmetto Park Road Safety Barrier/Noise Wall Repair. Florida Power and Light provided \$125,000 in FY 2004 for Palmetto Park Road projects in District 5 and the funds were rolled into Sweeps Reserves.**SUMMARY:** These Agreements replace an agreement with the Palmetto Park Road Civic Association (PPRCA) dated June 18, 1987 (R87-1224) and provide funding to reimburse the Associations a maximum of \$6,000 to Arborwood Villas; \$40,000 to Arborwood; and \$20,000 to Cricklewood for the cost to repair the safety/noise barrier wall (Wall) within the Palm Beach County's (County) right-of-way for Palmetto Park Road adjacent to each Association's property. Each Association will be responsible for the repair and perpetual maintenance of the Wall. District 5 (MRE)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. **Staff recommends motion to receive and file:** the official transcript for the closing of the \$29,476,000 Palm Beach County, Florida, Public Improvement Revenue Refunding Bonds, Series 2008A (the "Bonds"), as authorized by Resolution R2008-0571 adopted on April 1, 2008. **SUMMARY:** The closing occurred April 23, 2008. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)
2. **Staff recommends motion to receive and file:** the official transcript for the closing of the \$16,680,000 Palm Beach County, Florida, Variable Rate Demand Revenue Bonds (The Children's Home Society of Florida Project) Series 2008 (the "Bonds"), as authorized by Resolution R2008-0463 adopted on March 11, 2008. **SUMMARY:** The closing occurred April 1, 2008. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Contract with Gulfstream Goodwill Industries, Inc., for the period October 1, 2008, through September 30, 2009, in an amount not to exceed \$34,005, for supportive services to homeless persons. **SUMMARY:** Goodwill Industries, Inc. will provide case management services to thirty (30) homeless individuals through the Transitional Housing program, Project SUCCESS. Case management services are a vital link to meet the needs of the homeless individual to overcome the numerous barriers that have led to their homelessness. A total of \$34,005 County funds are included in the FY 2009 budget. County obligations under this contract are subject to budget approval. (Human Services) Countywide (TKF)
2. **Staff recommends motion to approve:** Contract with Christians Reaching Out to Society (CROS) Ministries, Inc., for the period of October 1, 2008, through September 30, 2009, in an amount not to exceed \$42,548, to provide gleaning services. **SUMMARY:** CROS Ministries will recruit and coordinate gleaning opportunities through local church, civic and non-profit agencies, in the County to develop strong neighborhood relationships, opportunities and support systems. Gleaning is the gathering of excess produce after the fields have been harvested. The produce is transported to the Daily Food Bank to be distributed to homeless shelters, day care centers, senior centers, and emergency food pantries. This project is a collaboration between the County, CROS and United Way to bring fresh produce into low income neighborhoods as fresh fruit and vegetables are usually too expensive and/or of poor quality in these areas. The addition of these resources adds much needed nutrition to the diet and promotes health and wellness. A total of \$42,548 County funds are included in the FY 2009 budget. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve: Contract with 211 Palm Beach Treasure Coast, Inc. for the period October 1, 2008, through September 30, 2009, in an amount not to exceed \$45,707, for supportive services to homeless persons. **SUMMARY:** 211 Palm Beach Treasure Coast, Inc. will provide homeless individuals access to a toll free Homeless Helpline and an Intake Worker 24 hours per day, 7 days a week for 365 days a year. The Intake Worker screens appropriate referrals for the Homeless Outreach Teams (HOT), accesses other available resources and enters all data into the Client Management Information System (CMIS), a centralized computer database. The Homeless Helpline will work in conjunction with the 211 Information System. Payment is based on a unit cost and the estimated number of appointments scheduled for the HOT. A total of \$45,707 in County funds are included in the FY 2009 budget. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)
4. Staff recommends motion to approve: Contract with United Way of Palm Beach County, Inc. (United Way), for the period October 1, 2008, through September 30, 2009, in an amount not to exceed \$48,750, to provide disaster recovery services. **SUMMARY:** This Contract with United Way will support staffing and related expenses for the Disaster Recovery Coalition. United Way agrees to provide oversight as the fiscal agent for the Coalition and direct supervision of coalition personnel. The Coalition will provide disaster response and recovery services in support of the Palm Beach County Comprehensive Emergency Management Plan. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)
5. Staff recommends motion to approve: Amendment No. 1 to the Contract with Langton Associates (R2006-2679) extending the contract for a one (1) year the period commencing October 1, 2008, and ending September 30, 2009, in an amount not to exceed \$44,000, for consulting services regarding homeless strategic planning. **SUMMARY:** In March 2006, as a result of a 2002 Federal mandate requiring communities to develop a ten (10) year plan to end homelessness, the Division began gathering information needed for the strategic planning. Langton Associates, who had 11 years of experience related to homeless issues in Palm Beach County, assisted in facilitating the initial focus groups. To date, the Action Steps were presented to the BCC on April 15, 2008 and a completed Ten (10) Year Plan to End Homelessness will be presented to the BCC for review and approval in the fall of 2008. Upon adoption by the BCC of the Plan, Langton Associates will assist in overseeing the continued facilitation of Homeless Advisory Board meetings, provide staffing assistance to the six (6) proposed Homeless Advisory Board Committees, and oversee implementation of the Action Steps. (Human Services) Countywide (TKF)
6. Staff recommends motion to approve: Agreement with the State of Florida, Department of Children & Families (DCF), beginning September 1, 2008, for a period of three (3) years or until terminated. **SUMMARY:** This Agreement will allow the Community Services Department (CSD) which includes the Division of Senior Services and the Division of Human Services to participate in DCF's Automated Community Connection to Economic Self-Sufficiency (ACCESS) initiative. The initiative will allow CSD Divisions the ability to more easily assist clients with applying for public assistance programs administered by DCF. Public assistance programs include food stamps, temporary cash assistance, refugee assistance, and Medicaid. The CSD Division staff can apply on-line while in a client's home, off site such as at the Senior Centers or in the DCF office. No County funds are required. Countywide, except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

7. Staff recommends motion to approve: Budget Amendment of \$218,399 in the Head Start Fund, for the period of October 1, 2007, through September 30, 2008, for a Cost of Living Adjustment (COLA) award from the Department of Health and Human Services (HHS). **SUMMARY:** Head Start has received additional revenue of \$218,399 from the Department of Health and Human Services (HHS). The award provides supplemental funding for a COLA increase. The COLA increase will be used to help maintain the quality of Head Start services by supporting the grantee and its delegates in efforts to attract and retain qualified staff and offset higher operating costs. Funding distribution consists of \$184,396 for Head Start, \$24,821 for Early Head Start and \$9,182 for Training and Technical Assistance. A required match of \$54,600 is included in the 2008 budget. A Budget Amendment is needed to align the County's budget with the approved funding from HHS. (Head Start) Countywide (TKF)
  
8. Staff recommends motion to approve: Amendment No. 1 to the Contract with The Lord's Place, Inc. (R2008-1962), for the period October 1, 2007, through September 30, 2008, increasing the Family Shelter program contract by \$30,000 for a not to exceed total contract of \$391,051. **SUMMARY:** The Department of Community Services through the Financially Assisted Agencies (FAA) program has been requested to provide \$30,000 in additional funds to the Lord's Place, Inc., specifically in the Family Shelter program. This program is currently funded at \$307,970 and will be raised to \$337,970. The Joshua House component will remain funded at the current level of \$53,081. The ultimate goal of the Family Shelter program is to restore dignity and self-sufficiency to the point where families can maintain permanent housing. The program is available to homeless parents, caregivers or guardians with legal custody of children age 18 years and younger. This agency is working closely with the County's Homeless Outreach Teams (HOT) under the direction of Human Services to make sure all individuals who qualify will receive this service. Funding for the increase is through the unallocated FAA account and is in the current budget. Countywide (TKF)
  
9. Staff recommends motion to approve: Standard Contract No. IH008-9500 for the Home Care for the Elderly (HCE) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2008, through June 30, 2009, in an amount not to exceed \$140,102 for various services to the elderly. **SUMMARY:** The Contract will allow the Division of Senior Services (DOSS), as lead agency, to provide Case Management and Subsidy which are funded with \$140,102 in State funds and \$74,896 in additional County funds. The Contract spans two (2) County fiscal years. Sufficient funding is available in the FY 2008 budget to meet County obligations. County match and additional funding required to meet FY 2009 obligations are included in the proposed FY 2009 budget. HCE funds administered and managed by the AAA will allow DOSS to provide assistance to the elderly population and caregivers to encourage the provision of care in family-type living arrangements in private homes on a not-for-profit basis as an alternative to nursing home or other institutional care. In the area south of Hypoluxo Road, Ruth Rales Jewish Family Service currently provides HCE services under a similar agreement from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

10. Staff recommends motion to approve: Standard Contract No. IC008-9500 for the Community Care for the Elderly (CCE) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2008, through June 30, 2009, in an amount not to exceed \$1,007,478 for various services to the elderly. **SUMMARY:** The Contract will allow the Division of Senior Services (DOSS), as lead agency, to provide adult day care, case aide, case management, counseling (mental health/screening), emergency alert response, in-home services (homemaker, personal care, shopping assistance, respite, companionship, chore, enhanced chore, and escort), pest control (maintenance) and specialized medical equipment, services & supplies, which are funded with \$1,007,478 in State funds, \$11,941 in County required funds, \$563,256 in additional County funds, and \$50,390 in Program Income funds. The Contract spans two (2) County fiscal years. Sufficient funding is available in the FY 2008 budget to meet County obligations. County match and additional funding required to meet FY 2009 obligations is included in the proposed FY 2009 budget. CCE funds administered and managed by the AAA will allow DOSS to provide assistance to the elderly population and caregivers to assist functionally impaired elderly persons to live dignified and reasonably independent lives in their own homes or in the homes of relatives or caregivers. In the area south of Hypoluxo Road, Ruth Rales Jewish Family Service currently provides CCE services under a similar agreement from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)
  
11. Staff recommends motion to approve: Standard Contract No. IZ008-9500 for the Alzheimer's Disease Initiative (ADI) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2008, through June 30, 2009, in an amount not to exceed \$242,953 for various services to the elderly. **SUMMARY:** The Contract will allow the Division of Senior Services (DOSS), as lead agency, to provide case management, respite (facility based) and respite (in-home) which are funded with \$242,953 in State funds, \$74,896 in additional County funds, and \$8,328 in Program income. The Contract spans two (2) County fiscal years. Sufficient funding is available in the FY 2008 budget to meet County obligations. County match and additional funding required to meet FY 2009 obligations will be requested in the FY 2009 budget process. ADI funds administered and managed by the AAA will allow DOSS to provide assistance and support to the elderly population and caregivers to ensure that persons afflicted with Alzheimer's disease and other forms of dementia, are given essential services to help them age in place, in an elder-friendly environment, with security, dignity, and purpose. In the area south of Hypoluxo Road, Ruth Rales Jewish Family Service currently provides ADI services under a similar agreement from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

12. Staff recommends motion to approve:

**A)** Budget Transfer of \$162,000 in the General Fund increasing the transfer to DOSS Community Care for the Elderly (CCE) and decreasing the transfer to DOSS – Title III Older Americans Act;

**B)** Budget Amendment of \$162,000 in the DOSS – Older Americans Act (OAA) Title III Fund decreasing the transfer from the General Fund and Contracted Food; and

**C)** Budget Amendment of \$162,000 in the DOSS - CCE Fund increasing the transfer from the General Fund and appropriating it to Contractual Services.

**SUMMARY:** These adjustments are needed to cover 12,462 additional projected In-Home Services units in the CCE program through September 30, 2008, at a contracted vendor reimbursement rate of \$13 per unit, and will be offset by a projected underproduction of units in the OAA C1 – Congregate Meals program. (DOSS) Countywide except for portions of Districts 3, 4, 5 and 7 south of Hypoluxo Road (TKF)

13. **DELETED**

14. Staff recommends motion to approve: Early Head Start Contracted Services Agreement with Apostolic Child Development Centers, Inc., for the period of October 1, 2008, through September 30, 2009, in an amount of \$204,678 for services to Early Head Start children and families. **SUMMARY:** Through the use of Early Head Start contracted services agreements, the County is able to leverage its available Federal funds to pay for direct services while the contracted agencies provide the child care facilities. Apostolic Child Development Centers, Inc. will provide services to 24 infants and toddlers at a rate of \$34.25 per child, per day for 249 days. Funding consists of \$133,040 in Federal funds, \$33,260 in required match County funds and \$38,378 in overmatch. County funding is contingent on budget approval and has been requested in the FY 2009 budget. (Head Start) Countywide (TKF)

15. Staff recommends motion to approve: Head Start Contracted Services Agreement with The King's Kids Early Learning Center, Inc., for the period of October 1, 2008, through September 30, 2009, in an amount of \$185,458, for services to Head Start children and families. **SUMMARY:** The King's Kids Early Learning Center, Inc. will provide services to 33 children for 249 days at a rate of \$22.57 per child/per day for 3 and 4 year olds. There are not sufficient County facilities to accommodate all 1,871 authorized slots for children 3 and 4 years of age in the Head Start program. Therefore, the County enters into contracted service agreements with child care agencies to provide comprehensive Head Start services. Funding consists of \$111,275 in Federal funds, \$22,255 in required match County funds, and \$51,928 in overmatch. County funding is contingent on budget approval and has been requested in the FY 2009 budget. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

16. **Staff recommends motion to approve:** Head Start Contracted Services Agreement with A Step Above Learning Center, Inc. (d/b/a A Step Above Early Learning Center), for the period of October 1, 2008, through September 30, 2009, in an amount of \$112,399 for services to Head Start children and families. **SUMMARY:** A Step Above Learning Center, Inc. will provide services to 20 children for 249 days at a rate of \$22.57 per child/per day for 3 and 4 year olds. There are not sufficient County facilities to accommodate all 1,871 authorized slots for children 3 and 4 years of age in the Head Start program. Therefore, the County enters into contracted service agreements with child care agencies to provide comprehensive Head Start services. Funding consists of \$67,439 in Federal funds, \$16,860 in required match County funds, and \$28,100 in overmatch. County funding is contingent on budget approval and has been requested in the FY 2009 budget. (Head Start) Countywide (TKF)
  
17. **Staff recommends motion to approve:** Head Start Contracted Services Agreement with Apostolic Child Development Centers, Inc., for the period of October 1, 2008, through September 30, 2009, in an amount of \$469,818, for services to Head Start children and families. **SUMMARY:** Apostolic Child Development Centers, Inc. will provide services to 78 children for 249 days at a rate of \$24.19 per child/per day for 3 and 4 year olds. There are not sufficient County facilities to accommodate all 1,871 authorized slots for children 3 and 4 years of age in the Head Start program. Therefore, the County enters into contracted service agreements with child care agencies to provide comprehensive Head Start services. Funding consists of \$281,890 in Federal funds, \$70,473 in required match County funds, and \$117,455 in overmatch. County funding is contingent on budget approval and has been requested in the FY 2009 budget. (Head Start) Countywide (TKF)

F. AIRPORTS

1. **Staff recommends motion to approve:** a list of twelve (12) charitable organizations to benefit from the proceeds (coins) from the fountain at Palm Beach International Airport during the period October 1, 2008, through September 30, 2009. **SUMMARY:** On March 14, 1989, the Board approved the concept of collecting contributions from the Airport's fountain on a monthly basis and contributing the funds to a different charitable organization recommended by the Department of Airports in conjunction with the Community Services Department and approved by the Board. The Department of Airports recommends the non-profit organizations listed as provided by the Community Services Department receive contributions for the forthcoming fiscal year commencing October 1, 2008. Average monthly contributions for the past year have been approximately \$100. In addition, the list will be provided to the Paradies Shops, the Airport's retail operator, who will send the contribution from the fountains in its gift shop areas along with an additional contribution of \$250 to the recommended recipients pursuant to its concession agreement. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to approve:

**A)** a Contract with H.L. Pruitt Corporation in the amount of \$ 352,205 for the Airfield Signage Improvements Project at Palm Beach International Airport (PBIA); and

**B)** a Budget Amendment of \$264,154 in the Airports Improvement and Development Fund to recognize Federal Aviation Administration (FAA) grant funding and to increase Reserves by \$264,154.

**SUMMARY:** This project was advertised utilizing the County's competitive bid process. On June 2, 2008, five (5) bids were received for the Airfield Signage Improvements Project at PBIA. Of these five (5) bids, H.L. Pruitt Corporation has been identified as a responsible/responsive bidder in the amount of \$352,205. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 15.00%. H.L. Pruitt Corporation's bid contained 21.33% DBE participation. Countywide (JCM)

3. Staff recommends motion to:

**A) approve** administrative Amendments to eight (8) Joint Participation Agreements (JPA) with the Florida Department of Transportation (FDOT); and

**B) authorize** the County Administrator, or his designee, to execute Administrative Amendments to JPAs from time to time to include modifications to the language within the JPAs, which may be required to bring the JPAs into compliance with state law.

**SUMMARY:** The Florida Single Audit Act (FSAA) and audit procedures were amended on January 1, 2004, and the FDOT is requiring the amended language be incorporated into all agreements where the FDOT is providing or had provided financial assistance to local agencies. This language has been included in more recent JPAs. Countywide (AH)

4. Staff recommends motion to adopt: a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$1,500,000 to construct aprons and taxilanes at North Palm Beach County General Aviation Airport. **SUMMARY:** The FDOT has issued a JPA reflecting their commitment of funding to the above referenced project in the amount of \$1,500,000 or 80.00% of the eligible project costs, whichever is less. Countywide (AH)

5. Staff recommends motion to adopt: a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$725,000 to relocate the very high frequency Omni-Directional Range (VOR) at Palm Beach International Airport (PBIA). **SUMMARY:** The FDOT has issued a JPA reflecting their commitment of funding to the above referenced project in the amount of \$725,000 or 12.50% of the eligible project costs, whichever is less. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. Staff recommends motion to approve:

**A)** a Contract with Hypower, Inc. in the amount of \$124,445 for the Airfield Improvements Project at North Palm Beach County General Aviation Airport; and

**B)** a Budget Amendment of \$3,111 in the Airports Improvement and Development Fund to recognize Florida Department of Transportation (FDOT) grant funds and to increase Reserves by \$3,111.

**SUMMARY:** This project was advertised utilizing the County's competitive bid process. On June 4, 2008, only one (1) bid was received for the Airfield Improvements Project at North Palm Beach County General Aviation Airport. Hypower, Inc. has been identified as a responsible/responsive bidder in the amount of \$124,445. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 15.00%. Hypower, Inc.'s bid contained 11.84% DBE participation. Countywide (JCM)

7. Staff recommends motion to approve:

**A)** a Contract with B & B Underground Contractors, Inc. in the amount of \$251,409 for the Taxilane Reconstruction and Pavement Additions Project at Palm Beach County Glades (Pahokee) Airport; and

**B)** a Budget Amendment of \$108,409 in the Airports Improvement and Development Fund establishing budgeted expenditures of \$251,409, including a transfer from Reserves in the amount of \$2,710 and recognize grant revenues of \$105,699.

**SUMMARY:** This project was advertised utilizing the County's competitive bid process. On June 2, 2008, three (3) bids were received for the Taxilane Reconstruction and Pavement Additions Project at Pahokee Airport. Of these three (3) bids, B & B Underground Contractors, Inc. has been identified as a responsible/responsive bidder in the amount of \$251,409. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 15.00%. B & B Underground Contractors, Inc.'s bid contained 12.25% DBE participation. Countywide (JCM)

8. Staff recommends motion to approve:

**A)** a Contract with H.L. Pruitt Corporation in the amount of \$ 274,430 for the Airfield Signage Improvements Project at Palm Beach County Park (Lantana) Airport; and

**B)** a Budget Amendment of \$267,569 in the Airports Improvement and Development Fund to establish budgeted expenditures of \$274,430 and recognize grant revenues of \$267,569.

**SUMMARY:** This project was advertised utilizing the County's competitive bid process. On June 4, 2008, four (4) bids were received for the Airfield Signage Improvements Project at Lantana Airport. Of these four (4) bids, H.L. Pruitt Corporation has been identified as a responsible/responsive bidder in the amount of \$274,430. The Disadvantaged Business Enterprise (DBE) goal for this project was established at 15.00%. H.L. Pruitt Corporation's bid contained 18.64% DBE participation. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

9. Staff recommends motion to adopt: a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$1,000,000 to construct hangars at Palm Beach County Glades Airport. **SUMMARY:** The FDOT has issued a JPA reflecting their commitment of funding to the above referenced project in the amount of \$1,000,000 or 80.00% of the eligible project costs, whichever is less. Countywide (AH)
10. Staff recommends motion to receive and file: ten (10) original Agreements for the Department of Airports:
- A)** Agreement to Terminate Hangar Lease Agreement with Peter K, LLC, Unit 6, Building 11200 at North County Airport, terminating R2005-0613 on August 31, 2008 (JB);
  - B)** North County General Aviation Airport Hangar Lease Agreement with Dennis H. Jones, Unit 6, Building 11200, for one (1) year, automatically renewed at one (1) year intervals, commencing on September 1, 2008 (JB);
  - C)** North County General Aviation Airport Hangar Lease Agreement with Stephen K. Mansfield, Unit 12, Building 11220, for one (1) year, automatically renewed at one (1) year intervals, commencing on September 1, 2008 (JB);
  - D)** First Amendment to Executive Hangar Lease Agreement with Aircraft Sales of Palm Beach County, Inc. (R2007-1798), Unit 5, Building 11250 renewing for one (1) year, expiring August 31, 2009 (JB);
  - E)** First Amendment to Executive Hangar Lease Agreement with Brian K. Hoffner (R-2007-1799), Unit 1, Building 11250 renewing for one (1) year, expiring August 31, 2009 (JB);
  - F)** First Amendment to Executive Hangar Lease Agreement with Palm Beach Avionics, Inc. (R2007-1700), Unit 3, Building 11250 renewing for one (1) year, expiring August 31, 2009 (JB);
  - G)** First Amendment to Executive Hangar Lease Agreement with Palm Beach Avionics, Inc. (R2007-1701), Unit 4, Building 11250, renewing for one (1) year, expiring August 31, 2009 (JB);
  - H)** License Agreement with Enterprise Leasing Company to use Airport Property exclusively for short term storage of operable vehicles, commencing March 1, 2008, expiring March 31, 2008, automatically extended on a month-to-month basis thereafter (JB);
  - I)** General Aeronautical Services Agreement with Big Sky Aviation, Inc., commencing April 1, 2008, expiring September 30, 2008 and automatically extended on a year-to-year basis (October 1<sup>st</sup> through September 30<sup>th</sup>) (JB); and
  - J)** Agreement Covering the Operation of Aircraft at Palm Beach International Airport with Comair, Inc., commencing July 1, 2008, expiring September 30, 2008 and automatically extended on a year-to-year basis (October 1<sup>st</sup> through September 30<sup>th</sup>) (JB).
- SUMMARY:** Delegation of authority for execution of the Standard County Agreements above was approved by the BCC in R93-801, R2003-1047, R2004-1367, R2007-1080 and R2007-2070. Countywide

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to approve:** a Budget Transfer of \$86,530 from the Road Impact Fee Zone 4 reserve account to the Road Impact Fee Zone 4 appropriation account to provide budget for an impact fee refund. **SUMMARY:** The Sembler Company earned approximately \$10.7 million in road impact fee credits for various improvements to Gateway Boulevard, Congress Avenue, and Old Boynton Road in Boynton Beach. The credits are available to offset road impact fee assessments for building permits issued for development in the Boynton Town Center and in Boynton Village. Road impact fees for Red Lobster located in Boynton Town Center were collected in cash, but should have been charged against the impact fee credit balance. This Budget Transfer establishes budget to refund the impact fees to Red Lobster. Upon issuing the refund, the road impact fees will be properly accounted for as a reduction in available impact fee credits. District 3 (LB)

2. **Staff recommends motion to appoint:**

**A)** Broad and Cassel as Bond Counsel for the Series 2009 Water & Sewer Revenue Bonds to be issued under the Reclaimed Water Agreement with Florida Power and Light dated May 20, 2008; and

**B)** Nabors Giblin as Disclosure Counsel for the Series 2009 Water & Sewer Revenue Bonds to be issued under the Reclaimed Water Agreement with Florida Power and Light dated May 20, 2008.

**SUMMARY:** On May 20, 2008, the Board approved A) Reclaimed Water Agreement with Florida Power and Light (FP&L) to supply reclaimed water for the West County Energy Center; B) Interlocal Agreement with East Central Regional Wastewater Treatment Facilities Operation Board and the City of West Palm Beach (WPB) related to the construction, operation and maintenance of reclaimed water facilities; C) Interlocal Agreement with WPB related to reclaimed water service and various consultant services agreements (R2008-0906 through R2008-0911) related to the projects. The bonds are expected to be issued in April 2009 and FP&L has requested that the County appoint Bond Counsel to provide legal guidance with respect to the bonds. The above firms are next on the rotation list for Bond Counsel and Disclosure Counsel. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** an Interlocal Agreement with the Town of Palm Beach Shores (Town) for the provision of radio maintenance services. **SUMMARY:** This Interlocal Agreement provides for the provision of radio equipment maintenance services by FDO/Electronic Services and Security to the Town. The services are to be charged on an hourly basis at a cost of \$65/hr/person and \$97.50/hr/person for overtime work. In the event that the County must out-source the labor, a separate labor rate is provided. The rates may be adjusted annually with notification by June 1 annually (effective that following October 1) at the County's sole discretion, but in no event shall the Town's fees schedule exceed the fee schedule applied to County departments. The term of the Agreement is for three (3) years with one (1) - three (3) year renewal. The Agreement may be terminated by either party, with or without cause with a minimum of three (3) months notice. (FD&O Admin) District 1 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: JOC Work Order No. 08-135 with Holt Contractors, Inc., (R2007-0947) in the amount of \$49,547.32 to provide additional drainage improvements at the Mecca Farms site. **SUMMARY:** When the site development activities for the Scripps project ceased, the property was left as is, without restoring the property to its pre-development condition. In order to provide proper drainage of the site, some of the previous agricultural ditches were restored and some new ditches were constructed. This work is now needed to continue with the restoration. The work includes the cleaning of vegetation from five canals on the property that carry water to the retention area. The SBE goals are 15%. The SBE participation in this Work Order is 100%. When the participation for this Work Order is added to Holt's total participation-to-date, the resulting values are 100%. This Work Order is being sent for Board approval since the total project cost exceeds \$200,000 (the original Work Order No. 08-103 for \$186,615.22 was approved by the Contract Review Committee on June 25, 2008). Funding for this work is from the existing budget funds established in 2006 for property management of the site. The total construction duration is 180 days. This work will comply with all applicable local, state, and federal codes and regulations. (FDO Admin) Countywide/District 6 (JM)
  
3. Staff recommends motion to approve: Change Order No. 7 with Cedars Electro-Mechanical, Inc. (R2007-0273) in the amount of \$63,423 to provide additional HVAC work at the Water Utilities Department (WUD) Waste Treatment South Regional Plant in Boynton Beach. **SUMMARY:** The work consists of additional work required to complete the installation of new air conditioning systems and associated electrical for nine existing buildings using reclaimed water as the cooling medium. Modifications to the existing fire alarm systems are required by the PBC Building Department to bring the systems compliant with current code. The SBE participation in this Change Order is 100%. The SBE goals are 15%. This Change Order is being sent for Board approval since the total time extension for the contract exceeds 90 days. The total construction duration for the additional work is 60 days. This work will comply with all applicable local, state, and federal codes and regulations. (FD&O Admin) Countywide/District 5 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to:

**A) adopt** a Resolution authorizing a thirty (30) year extension to the term of an existing lease with Palms West Chamber of Commerce, Inc. (Chamber) pursuant to Florida Statute Section 125.38;

**B) approve** a First Amendment to Lease Agreement (R2002-1572) with Palms West Chamber of Commerce, Inc. for the continued use of 1.34 acres in Loxahatchee Groves Park for use as a visitors center and for public meetings and informational purposes; and

**C) approve** a Landlord's Consent to Leasehold Mortgage with Palms West Chamber of Commerce and Sterling Bank for the Chamber to obtain financing to construct a new 3,700 square foot building.

**SUMMARY:** Since 1990, the Parks and Recreation Department has leased 1.34 acres within the Loxahatchee Groves Park, located at the northwest corner of SR 80 (Southern Boulevard) and "F" Road, to Palms West Chamber of Commerce (R90-2082D). The Chamber constructed a building with offices, a welcome center and public meeting room. On September 10, 2002, the Board approved a new ten (10) year Lease Agreement with the Chamber which included one (1) ten (10) year renewal option. The Chamber would like to expand its current operations at the site and provide additional parking. This First Amendment: (i) extends the term of the Lease Agreement to thirty (30) years, without any renewal options, commencing upon approval of this First Amendment; (ii) allows the Chamber to construct a new 3,700 sq. ft. building with expanded parking and upon completion, the Chamber will demolish and/or remove the existing modular building; (iii) grants the Chamber the right to grant one (1) leasehold mortgage to obtain financing; and (iv) allows the Chamber to charge outside entities for use of its conference and meeting rooms. All construction and site improvement costs and utility costs for the current and/or new building will continue to be the responsibility of the Chamber. Under this First Amendment, the Chamber shall design and obtain funding for the new building within three (3) years from the effective date of this First Amendment and complete construction in its entirety within five (5) years from the effective date of this First Amendment. If the Chamber fails to meet the established deadlines, County at its sole discretion can terminate the Chamber's right to construct the new building, and both parties will revert to the use and terms of the original Lease Agreement, which shall be reinstated. The annual rental rate for this First Amendment will remain unchanged at \$1/year. All other terms of the Lease Agreement remain in full force and effect. (PREM) District 6 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to receive and file: a State Housing Initiative Partnership (SHIP) subsidy loan of \$45,000 from the State Housing Initiative Partnership (SHIP) Program for County employee Sharon C. Battle. **SUMMARY:** Sharon C. Battle is a single female who has been employed with Palm Beach County Board of County Commissioners since 2004. The sales price, and appraised value of the housing unit purchased was \$169,900. The home is located in West Palm Beach. Ms. Battle secured a first mortgage loan of \$116,500 from Bank Atlantic, a \$10,000 grant from Bank Atlantic and was eligible to receive \$45,000 in SHIP subsidy assistance. The subsidy assistance provided by Palm Beach County consists of a mortgage and promissory note with no monthly payment which is forgivable after thirty (30) years if the property remains owner-occupied by Ms. Battle. The closing took place on August 14, 2008. The Board of County Commissioners approved this SHIP subsidy on July 22, 2008. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Change Order No. 4 to the Contract with Florida Design, Inc. (R2007-1529) for the Southern Region Water Reclamation Facility (SRWRF) & Water Treatment Plant (WTP) No. 3 Short Term Odor Control project increasing in the contract price by \$103,971.71. **SUMMARY:** Change Order No. 4 authorizes the contractor to perform additional work for items 2 and 5, a credit for work not needed with items 1 and 3, and a reimbursement to the contractor for materials not used under the sales tax recovery program for item 4, outlined in the description of work for the Short Term Odor Control project. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.00% overall. This Change Order includes zero SBE participation. This contract with Florida Design, Inc. provides for SBE participation of 15.19% overall (21.17% W). (WUD Project No. 06-091 & 07-045) District 5 (JM)
  
2. **Staff recommends motion to approve:** a non-standard Utility Easement and Access Easement from Macaw Holdings V, LLC and Fort Pierce Development Group, LLC. **SUMMARY:** The Utility Easement and Access Easement are necessary for the construction and maintenance of a new water service line and water meter for the property located at 4246 Okeechobee Blvd. The Water Utilities Department concurs with the Utility Easement and Access Easement Agreements provided by Macaw Holdings V, LLC and Fort Pierce Development Group, LLC. There is no cost to the County for acquisition of these easements. District 2 (MJ)
  
3. **Staff recommends motion to approve:** Supplement No. 1 to Work Authorization No. 1 to rehabilitate wells at Water Treatment Plants No. 2, 3, 8, 9 and 10 with Southeast Drilling Services, Inc. for the Water Utilities Department Wellfield Rehabilitation Project (R2007-2025) concerning well rehabilitation and repair in the amount of \$200,000. **SUMMARY:** On November 6, 2007, the Board of County Commissioners approved Work Authorization No.1 (R2007-2026) which provides for rehabilitation of 12 wells and for monthly chemical maintenance injections of 20 wells for a one (1) year period at Water Treatment Plant Nos. 2, 3, 8, 9 and 10 in the amount of \$700,000. This Supplement No. 1 to Work Authorization No. 1 will allow for that maintenance program to continue to the end of the fiscal year. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This contract with Southeast Drilling Services, Inc. provides for SBE participation of zero overall. Rehabilitation for large water wells requires special construction services thereby reducing options for SBE participation. Overall SBE participation is zero percent because Southeast Drilling was the only bidder. Since the inception of this project, Southeast Drilling Services, Inc. has received their SBE certification for General Construction, Well Drilling Services, and Pump Equipment and Accessories Maintenance and Repair. (WUD Project No. 08-023) Districts 2, 5 & 6 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

**A) approve** Contract No. 08029 with the Florida Fish and Wildlife Conservation Commission (FWC) for reimbursement of a portion of restoration costs of the Lake Ida Wetland Project;

**B) approve** Budget Amendment of \$400,000 in the Capital Outlay Fund increasing the Environmental Restoration Program; and

**C) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications, and other forms associated with this Contract, and necessary minor amendments that do not change the scope of work or terms and conditions of the Contract.

**SUMMARY:** This Contract will provide funding for aquatic habitat enhancement of Lake Ida that includes the following activities: site preparation, clearing, excavation, creation and enhancement of littoral shelf habitat and revegetation with native wetland plants within Lake Ida Park. The Commission shall pay the County on a cost reimbursement basis not exceeding the amount of \$400,000. A County match is not required. The Contract shall remain in effect until June 30, 2009. District 3 (SF)

2. Staff recommends motion to approve:

**A)** Budget Amendment of \$2,707,312 in the \$5.6M Sunshine Loan Fund to recognize the return of advanced funding to the Florida Department of Transportation (FDOT) for the construction of the SR-710/Beeline Highway Bridge in FY2005 and the transfer to the \$5.6M Sunshine Loan Debt Service Fund; and

**B)** Budget Amendment of \$2,707,312 in the \$5.6M Sunshine Loan Debt Service Fund to recognize the transfer from the \$5.6M Sunshine Loan Fund and make final payment for the loan.

**SUMMARY:** The budget transactions recognize the return of \$2,547,626 advanced to FDOT as part of a May 18, 2004 Joint Participation Agreement (R2004-0932) in which FDOT agreed to upgrade the bridge and culvert crossing over the remnant Loxahatchee Slough with two bridges and \$159,686 in earned interest. The advance funding was obtained through a \$5.6M Sunshine Loan scheduled for payoff December 1, 2009. Receipt of these funds will allow for the immediate closure of the loan and considerable interest savings for the County. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to receive and file:

- A) Interlocal Agreement with the Lantana Police Department (Districts 4 & 7)
- B) Interlocal Agreement with the Jupiter Police Department (District 1)
- C) Interlocal Agreement with the Village of Tequesta (District 1)
- D) Interlocal Agreement with Palm Beach County Sheriff's Office (Countywide)

**SUMMARY:** As part of the Manatee Protection Plan, the County has committed to annually provide \$200,000 of funding for additional on-water law enforcement in the County's waterways. On December 18, 2007, the Board of County Commissioners approved a Resolution (R2007-2277) with a standard form Interlocal Agreement with law enforcement agencies for an increased law enforcement presence in estuarine waters of Palm Beach County. Delegation of the Authority to execute these standard form Interlocal Agreements was approved, pursuant to PPM No. CW-O-051, on January 2, 2008. Districts 1, 4, 7 and Countywide (SF)

4. Staff recommends motion to:

**A) approve** annual Contracts with Eastman Aggregates Enterprises, LLC (Eastman) (Primary) not to exceed the amount of \$4,297,454 and Rio-Bak Corporation (Rio-Bak) (Secondary) not to exceed the amount of \$4,911,950 for the construction of the Palm Beach County Annual Dune & Wetlands Restoration Project No. 2008ERM02, with the cumulative total of both Contracts not to exceed the amount of \$4,911,950; and

**B) approve** Budget Transfer of \$700,000 within the Beach Improvement Fund from Reserves to the South Palm Beach Dune Restoration Project (\$500,000) and the Emergency Beach Project (\$200,000).

**SUMMARY:** This Annual Contract consists of restoring beach dunes and wetlands in the County on an as-needed basis through work orders. It will enable the County to mobilize and renourish eroded dunes after storm events. Three (3) responsive bids were received for this Project. The Contracts will be awarded to a primary and secondary bidder. Eastman was the primary lowest responsive, responsible bidder with a bid that exceeds the established 15% Small Business Enterprise (SBE) goal with 16.14% participation. Rio-Bak with 10.19% SBE participation was the secondary lowest responsive, responsible bidder with a bid that does not meet the 15% SBE goal. However, Rio-Bak is the only other bidder within the ranking limits. The initial Contract term is twelve (12) months, which may be extended for an additional twenty-four (24) months upon approval of the Board of County Commissioners. Countywide (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. Staff recommends motion to:

**A) approve** annual Contracts with M & J Construction Company of Pinellas County, Inc. (M&J) (Primary) not to exceed the amount of \$2,660,433.76 and The Murphy Construction Co. (Murphy) (Secondary) not to exceed the amount of \$3,272,980 for the construction of the Palm Beach County Annual Artificial Reef & Breakwater Project No. 2008ERM04, with the cumulative total of both Contracts not to exceed the amount of \$3,272,980;

**B) authorize** construction by M&J of the Riviera Beach Nearshore Mitigation Reef Projects (Riviera Beach Mitigation Reef) in the amount of \$961,164.48 and Boynton/Ocean Ridge Riprap Project (Boynton Riprap) in the amount of \$548,222.10 under work orders currently in preparation, in accordance with M&J's annual Contract; and

**C) authorize** the County Administrator, or his designee, to sign the work orders for the Riviera Beach Mitigation Reef and the Boynton Riprap.

**SUMMARY:** This Annual Contract consists of constructing annual reefs and breakwaters in the County on an as-needed basis through work orders. Three (3) responsive bids were received for this Project. The Contracts will be awarded to a primary and secondary bidder. M&J was the primary lowest responsive, responsible bidder with a bid that exceeds the established 15% Small Business Enterprise (SBE) goal with 21.04% participation. Murphy with 14.99% SBE participation was the secondary lowest responsive, responsible bidder with a bid that does not meet the 15% SBE goal. However, Murphy is the only other bidder within the ranking limits. The initial Contract term is twelve (12) months, which may be extended for an additional twenty-four (24) months upon approval of the Board of County Commissioners. Countywide PPM CW-F-050 restricts the approval authority of work orders on annual contracts. Staff seeks BCC delegation to execute two (2) work orders that exceed \$200,000 because of the short construction window in the next month and expiring grant funding. Countywide (JM)

M. PARKS & RECREATION

1. Staff recommends motion to approve: Agreement with Greater Boca Youth Soccer Association, Inc. for the period September 23, 2008, through April 30, 2009, in an amount not to exceed \$15,250 for the funding of concession stand and field equipment expenses. **SUMMARY:** This funding is to assist Greater Boca Youth Soccer Association, Inc.'s recreational and soccer program concession stand and field equipment expenses. Greater Boca Youth Soccer Association's programs serve approximately 1,500 youth in the south County area. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to August 15, 2008. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)

2. Staff recommends motion to approve: Agreement with Caridad Center, Inc. for the period September 23, 2008, through September 1, 2009, in an amount not to exceed \$25,000 for the funding of youth activities and summer camp programs. **SUMMARY:** This funding is to assist with expenses for Caridad Center's youth activities and summer camp programs. The Center's programs provide educational, enrichment, and recreational programs, supplies and uniforms for approximately 1,000 youth. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to June 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. **Staff recommends motion to approve:** Agreement with Everglades Area Health Education Center, Inc. for the period September 23, 2008, through October 31, 2008, in an amount not to exceed \$1,000 for funding of the Glades Reach Fair. **SUMMARY:** This funding is to help offset costs incurred by Everglades Area Health Education Center, Inc. for the Glades Reach Fair held at Belle Glade Elementary School on February 16, 2008. The event served 1,270 participants. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to January 18, 2008. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)
  
4. **Staff recommends motion to approve:** Agreement with the City of Delray Beach for the period September 23, 2008, through December 30, 2008, in an amount not to exceed \$10,000 for the 2008 Roots Cultural Festival. **SUMMARY:** This funding is to offset the cost of the 2008 Roots Cultural Festival held by the City of Delray Beach during the months of July and August at various locations within the City. Events during the festival attracted approximately 2,000 participants. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to July 1, 2008. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)
  
5. **Staff recommends motion to approve:**
  - A) a Budget Transfer of \$53,825 in the Transportation Improvement Fund from Reserve for District 7 to the County Transportation Trust Fund;
  - B) a Budget Transfer of \$53,825 in the Transportation Trust Fund increasing the annual transfer from the Transportation Improvement Fund and decreasing the annual transfer from the General Fund;
  - C) a Budget Transfer of \$53,825 in the General Fund decreasing the annual transfer to the County Transportation Trust Fund and increasing the annual transfer to the Park Improvement Fund; and
  - D) a Budget Amendment of \$53,825 in the Park Improvement Fund increasing the annual transfer from the General Fund and increasing the appropriation to the District 7 Recreation Assistance Program.

**SUMMARY:** This funding in the amount of \$53,825 is for budget transfers and a budget amendment to increase the gas tax support and decrease the ad valorem support of the County Transportation Trust Fund, thereby allowing for the allocation of \$53,825 from available ad valorem support to the District 7 Recreation Assistance Program. At the November 21, 2006, Board meeting, the flexibility of up to \$200,000 in transfers per District per year was approved for this purpose. This funding will be used for seven (7) District 7 recreational or cultural projects. Agreements for each of these seven (7) projects will be brought to the Board for approval as soon as the required paperwork is completed by the various agencies and municipalities. With the approval of this allocation, the remaining balance available in transfers for District 7 for FY 2008 is \$0. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

6. **Staff recommends motion to receive and file:** executed Independent Contractor Agreements received during the month of August:

A) Teresa Krellner, Basketball Official, West Boynton Park & Recreation Center; and

B) Teresa Krellner, Basketball Official, West Boynton Park & Recreation Center.

**SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The attached Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution (94-422), amended by Resolutions (2002-2103) and (2007-0409), and are now being submitted to the Board to receive and file. District 3 (AH)

7. **Staff recommends motion to approve:** Special Use Agreement with the State of Florida Department of Children and Families (DCF) to utilize a portion of John Prince, Lake Ida, and Dyer Parks for administering the Disaster Food Stamp Program following a natural disaster. **SUMMARY:** In the event of natural disasters such as hurricanes or other catastrophic events, DCF will require temporary areas in the community for administering the Disaster Food Stamp Program. DCF feels that John Prince, Lake Ida, and Dyer Parks are strategically positioned to serve the citizens of Palm Beach County. The reserved park areas will consist of approximately seven to ten acres at each location and will only be used on an "as needed" basis. Districts 3, 4 & 7 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to approve:** a no-cost extension for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program grant for Criminal Justice Service Center (R2007-1004) from September 30, 2008, until March 31, 2009. **SUMMARY:** The Criminal Justice Commission received notification on September 2, 2008, from the Florida Department of Law Enforcement, that the grant period be extended through March 31, 2009. **Match is not required for the JAG program.** Countywide (DW)

S. FIRE RESCUE

1. **Staff recommends motion to approve:** an Agreement with Dr. Thomas H. Matese, Jr. for medical direction for a three-year period (October 1, 2008 - September 30, 2011) in the amount of \$594,549.12. **SUMMARY:** State law requires Palm Beach County Fire Rescue, as an Emergency Medical Services Provider, contract with a licensed/certified M.D. or D.O., who meets all criteria of Chapter 401, Florida Statutes, and the Rules of the Department of Health, Chapter 64E-2, F.A.C. This Agreement includes the requirement for a second physician to serve as Associate Medical Director in order to provide increased training classes to the Paramedics and EMTs, an increased level of time spent in the field for supervision/observation of skill levels, and availability of twenty-four hour emergency consultation. Countywide (SGB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEM SERVICES

1. **Staff recommends motion to approve:** Ninth Amendment to Contract with CGI Technologies and Solutions Inc. ("CGI") (formerly named CGI-AMS, Inc. and American Management Systems, Inc.) (R2002-1782), to revise the software maintenance cost schedule of this contract for the period October 1, 2008, through September 30, 2011 at a total cost of \$1,897,652. **SUMMARY:** The Ninth Amendment revises the software maintenance cost schedule for the AMS Advantage program for the period October 1, 2008, through September 30, 2011 at a total cost of \$1,897,652. The annual software maintenance fee is a component of the vendor contract which provides for technical assistance and software upgrades. This revision will result in a savings to the County of \$210,850 over the contract period. Countywide (PK)
  
2. **Staff recommends motion to:**
  - A) approve** Supplement to IBM Corporation Customer Agreement (ICA) for IBM S/390 software programs and support for the period October 1, 2008, through September 30, 2009, in the amount \$307,815; and
  
  - B) authorize** the County Administrator or his designee, ISS Director, to increase services, not to exceed 10% of the contract value (\$30,782), to provide for any unforeseen changes to the inventory that could arise during the contract period.

**SUMMARY:** This Supplement to the IBM ICA (R94-247D) provides for the ongoing annual software license charge for our current mainframe processor and data storage equipment. The configuration of the IBM mainframe system software for the coming contract period has been thoroughly reviewed prior to developing this Agreement. The maximum amount is structured in two (2) portions: 1) \$307,815 based on the current inventory of IBM S/390 software; and 2) a 10% contingency \$30,782 to provide for any unforeseen changes to the inventory that could arise during the contract period. This supplement covers the period October 1, 2008, through September 30, 2009. Countywide (PK)

AA. PALM TRAN

1. **Staff recommends motion to approve:** a two-year Agreement with Cen-West Communities, Inc. for provision of transportation service (via Palm Tran Routes 91 and 92) to residents of Century Village Boca Raton at the annual rates of \$172,380 for the fiscal year beginning October 1, 2008, and \$176,688 for the second fiscal year beginning October 1, 2009. **SUMMARY:** Cen-West Communities, Inc. has contracted for bus service for residents since the inception of the development of Century Village Boca Raton. The contract rate of \$172,380 during the first year of the proposed contract represents a 2.5% increase over the contract for the prior year ending September 30, 2008, and the second year rate of \$176,688 represents a 2.5% increase over the first year. Payment of the annual contract rates is in lieu of residents paying individual fares into the farebox on Palm Tran Routes 91 and 92. The commencement date of this new agreement is October 1, 2008, and the termination date is September 30, 2010. District 5 (DR)

BB. SUPERVISOR OF ELECTIONS

1. **Staff recommends motion to approve:** Precinct boundary changes submitted by Dr. Arthur Anderson, Supervisor of Elections, as required by Section 101.001(1), Florida Statutes. **SUMMARY:** Precinct boundary changes as indicated. District 6 (LSJ)

3. CONSENT AGENDA APPROVAL

CC. FIFTEENTH JUDICIAL CIRCUIT COURT

1. **Staff recommends motion to approve:** a Budget Amendment of \$24,239 in the General Fund to recognize revenue collected from the Witness Management Program fees and appropriate it within the 15<sup>th</sup> Judicial Circuit budget. **SUMMARY:** The Amendment requested recognizes revenue generated over and above the currently budgeted revenue from Witness Management fees. The Amendment appropriates this revenue within the 15<sup>th</sup> Judicial Circuit budget to cover costs associated with the Witness Management Program. Countywide (PK)
  
2. **Staff recommends motion to approve:** a Budget Amendment of \$11,574 in the General Fund to recognize revenue collected from Witness Management Program fees and appropriate it within the 15<sup>th</sup> Judicial Circuit budget. **SUMMARY:** The Budget Amendment requested recognizes revenue generated over and above the currently budgeted revenue from Witness Management fees. The Amendment appropriates this revenue within the 15<sup>th</sup> Judicial Circuit budget to cover costs associated with the Witness Management Program. Countywide (PK)

DD. SHERIFF

1. **Staff recommends motion to approve:** a Budget Transfer of \$16,514 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO) for community program donations. **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETf's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2008 estimated donation requirement is \$122,726. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETf balance is \$1,534,268. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,517,754. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (DW)

<u>Organization</u>	<u>Amount</u>
Florida Sheriff's Youth Ranches, Inc.	\$16,514
<b>Total Amount of Donations</b>	<b>\$16,514</b>

\* \* \* \* \*

4. PUBLIC HEARINGS - 9:30 A.M. (Motion to receive and file: Proof of publication)

- A. **Staff recommends motion to adopt:** a Resolution abandoning a portion of an unimproved 30 foot wide road reservation lying within Block 81, Palm Beach Farms Company, Plat No. 3, as recorded in Plat Book 2, Pages 45-54, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located north of Sandalfoot Boulevard on the east side of S.W. 65<sup>th</sup> Avenue. The petitioner is requesting the abandonment to satisfy a certification comment prior to rezoning the water treatment plant to the Public Ownership Zoning District. District 5 (PK)
- B. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Unified Land Development Code, Ordinance 03-076, as amended, as follows: amending Article 14.C. – Vegetation Preservation and Protection; amending Article 14.D. – Prohibited Invasive Non-native Vegetation Removal Ordinance; providing for repeal of laws in conflict; providing for severability; providing for a savings clause; providing for captions; providing for inclusion in the unified land development code; and providing for an effective date. **SUMMARY:** The proposed revisions to ULDC, Article 14.C. Vegetation Preservation and Protection, are designed to provide an alternate approach in unincorporated Palm Beach County to protect native vegetation and habitat, focusing on an approval process through established channels of development reviews in lieu of permitting. In accordance with Board direction to discontinue the Vegetation Protection Program as a mechanism to reduce Ad Valorem supported programs in FY2009, seven (7) positions were eliminated. The general direction was to modify the Code to shift the burden of tree preservation from a permitting process prior to development to a post-development performance standard review. The proposed revisions will result in less salvaged vegetation on single family lots, a reduction of salvaged vegetation relocated to public lands, and a reduction in native trees preserved within developments. The proposed revisions replace the permitting controls over vegetation clearing and construction with a standard process of approval for vegetation alteration; eliminate the designation of specimen tree status; secede wetland permitting to the State and Federal governments; and void all existing single family permits and dismiss all enforcement actions involving such permits. The proposed revisions to ULDC, Article 14.D. Prohibited Invasive Non-native Vegetation Removal Ordinance, continue to require the removal of invasive non-native vegetation; however, the financial assistance and incentives provided in the Code have been removed. In Code Appendix 10, which lists the natural areas, Ocean Ridge Natural Area is added. Appendix 12, which describes the incentive programs, is deleted in its entirety. The proposed revisions were approved by the Land Development Regulation Advisory Board on August 21, 2008. On August 27, 2008 the League of Cities Board of Directors voted “no objection” to these proposed changes. The League’s General Membership ratified this decision at its meeting on the same day. Unincorporated/14.C./Countywide/14.D. (SF)
- C. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, replacing Palm Beach County Code Chapter 13 (Ordinance No. 99-7); Amending Section 4, to be “the County Administrator or his/her designee shall act as an administrative liaison to the medical examiner. The liaison shall ensure that the Medical Examiner is provided all reasonable supplies, support staff and equipment necessary for the performance of the duties of the Medical Examiner”; addition of Section 6. D. Authorizing the Medical Examiner to charge a fee for services rendered in providing cremation, dissection, and burial-at-sea approvals. **SUMMARY:** Palm Beach County Code Section 13-1 (the Medical Examiner Ordinance) authorizes the appointment of the District 15 Medical Examiner. As authorized by the County Administrator, the Medical Examiner Office separated from the Department of Public Safety, to report directly to County Administration effective October 1, 2000. With the Medical Examiner Office reporting directly to County Administration and no longer being under the Department of Public Safety, this Ordinance requires amending to reflect this change. Section 6.D. of the Medical Examiner Ordinance authorizes the Medical Examiner Office to charge funeral homes a fee for services rendered in providing approvals for cremations, dissections and burials-at sea. Countywide (DW)

4. PUBLIC HEARINGS - 9:30 A.M. CONTINUED

D. Staff recommends motion to adopt: an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five-Year Road Program (Program); providing for title; purpose; adoption of revised program and revised list of projects contained in Exhibit "A"; implementation of the program; modification of program; funding of other roadway improvements; interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** Since the development and adoption of the County's Five-Year Road Program on November 20, 2007, the progress and evolution of current and near-term projects has continued to be monitored. Costs and revenues have been updated and in some cases, additional needs have been identified. Revisions are being proposed to modify the Program to reflect this updated information. A Mid-Year Ordinance Amendment with a Preliminary Reading and a Public Hearing is required in order to accomplish this. On September 9, 2008, the Board approved this Amendment on preliminary reading and authorized advertisement for today's Public Hearing for final adoption. Countywide (MRE)

E. Staff recommends motion to:

**A) adopt** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 19, Article IX (Ordinance No. 2001-015); relating to taxicabs and other vehicles for hire, to be known as the Vehicle for Hire Ordinance; providing for short title and applicability; providing for authority; providing for definitions; providing for compliance; providing for advertising; providing for municipal exemption; providing for reciprocity; providing for business permit application; providing for records required; providing for vehicle requirements; providing for vehicle decal requirements; providing for impoundment; providing for vehicle safety and appearance requirements; providing for operational requirements for non-medical wheelchair and stretcher transportation service companies; providing for vehicle inspections; providing for commercial automobile liability insurance; providing for driver requirements and failure to comply; providing for fraudulent transfer of vehicle for hire company; providing for revocations, suspensions and denial of permits/I.D. badges and administrative appeals; providing for enforcement; providing for violations; providing for appeals; providing for fees; providing for penalties; providing for start-up; providing for repeal of laws in conflict; providing a savings clause; providing jurisdiction; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing an effective date;

**B) adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida; repealing Resolution No. R2001-0577 and approving a new resolution establishing a schedule of fees, fines and minimum insurance levels required by the revised Vehicle for Hire Ordinance; and

**C) approve** the addition of one (1) secretarial position (to assist in administering the Vehicle for Hire Ordinance).

**SUMMARY:** The Board approved this Ordinance for second reading on September 9, 2008. The proposal was previously approved unanimously by the Vehicle for Hire Task Force.

**Proposed Ordinance Revisions:** Some of the important changes: **1)** prohibits persons from driving vehicles if convicted of specified felonies within five (5) years and permanently prohibits persons if convicted of violent/sexual felonies; **2)** driver I.D. badges would be issued after a criminal/driving check reveals compliance (provisional permits no longer issued); **3)** businesses may be suspended for not showing insurance proof by expiration/cancellation date (reactivation fee is required); **4)** the maximum age of vehicles is ten (10) years (beginning 2010); **5)** taxicabs must have a top light, taximeter, and uniform color/signage scheme (beginning 2010); **6)** habitually uninsured vehicles may be impounded; **7)** vehicles must have annual inspections by certified mechanics (beginning in 2010); and **8)** new drivers must understand basic English and county geography. The League of Cities approved the Ordinance.

4. PUBLIC HEARINGS - 9:30 A.M. CONTINUED

E. Continued

**The Proposed Resolution establishes:** **1)** various permit fees charged to vehicle for hire companies/ drivers; **2)** civil fines assessed against violators; and **3)** minimum levels for commercial automobile liability insurance to be provided for each for-hire vehicle. The fees, fines and minimum insurance levels are mandated by the Ordinance.

**Proposed Fees:** Few changes in license and other fees for businesses/drivers are proposed. Some new fees are required. License/Permit fees for existing companies would decrease from \$100 to \$75/year. Similarly, decal fees for existing companies would decrease from \$75 to \$50/year. Decal fees for registered hybrid vehicles would be free for the first two years (to encourage the use of more fuel saving vehicles). The biennial driver I.D. badge fee would increase from \$50 to \$60 to include the cost of the newly required driver vehicle placard.

**Proposed Fines:** Staff proposes few changes in fines. Most would be \$150-1<sup>st</sup> offense, \$300-2<sup>nd</sup> offense and \$500-3<sup>rd</sup> offense. Fines for violating insurance regulations would increase. Fines would also increase for failing to secure a required business permit or driver I.D. badge.

**Proposed Liability Insurance Levels:** Staff proposes few changes to minimum liability insurance levels: \$125,000 bodily injury/person (up from \$100,000); \$300,000 bodily injury/accident; and \$50,000 property damage (or \$300,000 Combined Single Limit Bodily Injury and Property Damage). The increase in insurance levels was mandated by the State.

**Addition of 1 Secretary Position:** Staff is requesting the addition one (1) licensing secretary due to: **1)** the large number of companies licensed in Palm Beach County (nearly 600); **2)** required expanded monitoring of vehicle liability insurance; and **3)** expanded administrative requirements of the new Ordinance (i.e., testing language/geography knowledge of drivers, etc.).

Per Board direction, staff will continue to work with the Vehicle for Hire Task Force and the industry to research the feasibility of separate rules for limousines, sedans and taxis, and options that would limit the number of taxi companies in the County. Countywide (DW)

\* \* \* \* \*

5. REGULAR AGENDA

B. COUNTY ATTORNEY

1. **Staff recommends motion to adopt:** a Resolution approving the sale of not to exceed \$140,000,000 Housing Finance Authority of Broward County, Florida, Single Family Mortgage Revenue Bonds and/or Single Family Mortgage Revenue Refunding Bonds, Multiple Series (the "Bonds") within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and providing an effective date. **SUMMARY:** The Bonds are being issued by the Housing Finance Authority of Broward County, Florida (the "Broward HFA") to refund certain outstanding bonds of the Broward HFA and to implement the Broward HFA's Single Family Mortgage Revenue Bond Program (the "Program"), which Program is for the purpose of providing to qualified mortgagors affordable mortgage financing for owner-occupied, single family residential housing facilities within Broward County, and, pursuant to an Interlocal Agreement between the Broward HFA and the Housing Finance Authority of Palm Beach County, Florida, Palm Beach County. Since a portion of the proceeds of the Bonds will be used to originate mortgage loans for residents in Palm Beach County, Florida, Section 147(f) of the Code requires approval by the Board of County Commissioners. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** Countywide (PFK)

C. COMMUNITY SERVICES

1. **Staff recommends motion to approve:**
  - A) the following positions for administration of the Florida Voluntary Pre-Kindergarten Program (VPK):
    - 1 Voluntary Pre-Kindergarten Coordinator
    - 1 Secretary
    - 4 Child Development Assistants
    - 1 Behavioral Specialist
    - 5 On-Call Paraprofessionals
  - B) Budget Amendment of \$444,546 in the Head Start Fund.

**SUMMARY:** For FY '08 and FY '09, Head Start will receive revenue through the State VPK Program, serving 204 four-year-old children this year and approximately 500 children next year. New positions are needed to support provision and extension of services as well as to ensure the continuation of funding. The positions will be eliminated if State funding is reduced or withdrawn. Human Resources has reviewed and concurred with each position description. A budget amendment is needed to align this year's budget with the approved funding. The anticipated State revenue and program expenditures for FY 2009 are included in the proposed budget. (Head Start) Countywide (TKF)

5. REGULAR AGENDA

C. COMMUNITY SERVICES (Cont'd)

**TIME CERTAIN 11:30 A.M.**

2. **Staff recommends motion to approve:** the Ten-Year Plan to End Homelessness in Palm Beach County. **SUMMARY:** The Ten-Year Plan is a strategic planning document containing specific goals and action steps designed to address and end homelessness in Palm Beach County. The plan was developed by the County's Homeless Advisory Board supported by the Department of Community Services and Langton Associates Consultants. The Advisory Board approved the Plan on July 16, 2008, after a 15-month development process that included extensive research on community models, input from public agency representatives, homeless individuals, homeless service providers, faith-based community representatives, the business community and funders, and numerous workshop sessions. The impetus for this plan is the desire for new strategies and resources for responding to and preventing homelessness, and a 2002 Federal funding mandate requiring the creation of such a plan. The goals and action steps included in the plan were presented to the Board of County Commissioners on April 15, 2008, and direction to proceed with plan finalization was provided to staff. Countywide (TKF)

D. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends Board delay:** issuance of the Request for Proposals (RFP) on the South County Government Center Redevelopment Project until funding is available but complete all tasks leading up to the issuance of the RFP no later than June 2010. **SUMMARY:** While Staff still considers this redevelopment project among the highest priorities for new capital funding, the budget outlook for FY '10 is going to require that Staff recommend that no new capital initiatives be funded (only renewal/replacement capital and continuation of previously approved capital projects). As a result, Staff is recommending: 1) finalize the details of the public funding strategies (both County and City) and document same in an interlocal agreement; 2) secure the Regional Transportation Authority (RTA) funding for its portion of the redevelopment project and document same in the appropriate agreement form; 3) finalize the County's programming requirements and specifications for the government uses; 4) suspend the coordination with funding partners; 5) suspend the early coordination with developers; 6) suspend the preparation of the RFP; and 7) not proceed with any projects or modifications to the existing building or campus which are inconsistent (financially or physically) with the ultimate redevelopment of the property. In the interim, staff would only proceed with the maintenance projects required to keep the building operating for 3-5 additional years. The duration of the recommended suspension would be through June 2010 at which time, staff would return to the BCC with a recommendation to resume activity or continue the suspension. This revised direction will require Staff to continue to finalize the complex inter and intra-governmental documentation necessary to prepare and issue the RFP with 60-90 days of funding becoming available while at the same time suspending the market and developer specific activities until project is ripe. On April 22, 2008, the Board provided direction on the redevelopment project. The Board direction was to: 1) develop an interlocal agreement with the City of Delray Beach; 2) coordinate with the RTA; 3) coordinate with local, State and Federal agencies involved in economic development and housing initiatives to identify sources of potential funding assistance; and 4) prepare a Request for Proposals for the redevelopment of the County's property. The County's estimated cost, using reasonable assumptions, to redevelop the governmental uses was estimated at \$50M. This \$50M was projected to be offset by \$4M from non-general government revenue sources and \$14M from the sale of the Residual Property, leaving a \$32M funding requirement. (FDO Admin) Countywide/District 7 (JM)

5. REGULAR AGENDA

E. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve: an Amended and Restated Agreement (R2007-1622) with the Palm Beach County Cultural Council, Inc. (the "Cultural Council") for the provision of services under the County's Tourist Development Plan. **SUMMARY:** The Amended and Restated Agreement updates for the Fiscal Year 2009 Exhibit "A" – Annual Budget; Exhibit "E" – Performance Measures; revises Exhibit "G" – Salary Ranges; and Exhibit "H" – Organizational Chart. This will be the second year of the five year agreement. The amount of this contract is \$877,716. Countywide (MC)
2. Staff recommends motion to approve: an Amended and Restated Agreement (R2007-1623) with Discover Palm Beach County, Inc. d.b.a. Palm Beach County Convention & Visitors Bureau (the "CVB") marketing contract for the provision of services under the County's Tourist Development Plan. **SUMMARY:** The Amended and Restated Agreement expands the scope of work to include Product Development along with Air Lift Development; updates for Fiscal Year 2009 Exhibit "A" – Annual Budget; Exhibits "B" - Moving Expense Policy; Exhibit "H" - Salary Policy; establishes a new - Convention Center Booking Policy; Exhibit "I" - Salary Structure; and Exhibit "J" - Organizational Chart. This will be the second year of the five (5) year agreement. The amount of this contract is \$9,425,528. Countywide (MC)
3. Staff recommends motion to approve: an Amended and Restated Agreement (R2007-1625) with Palm Beach County Sports Commission, Inc. (the "PBCSC") for the provision of services under the County's Tourist Development Plan. **SUMMARY:** The Amended and Restated Agreement: (A) updates for Fiscal Year 2009 Exhibit "A" – Annual Budget; Exhibit "C" - Travel & Entertainment Policy; Exhibit "E"- Performance Measures; Exhibit "G" – Salary Structure; Exhibit "H" – Organizational Chart; (B) make certain amendments of a technical nature to the body of the contract; (C) revises Exhibit "I"- Conflict of Interest; and (D) adds a new Exhibit "J" - Car Allowance. This is the second year of the five (5) year agreement. The amount of this contract is \$870,800. Countywide (MC)
4. Staff recommends motion to approve: an Amended and Restated Agreement (R2007-1624) with the Palm Beach County Film and Television Commission (the PBCFTC) for the provision of services under the County's Tourist Development Plan. **SUMMARY:** The Amended and Restated Agreement updates Fiscal Year 2009 Exhibit "A" – Annual Budget; Exhibit "F" - Performance Measures; and Exhibit "I" – Salary Ranges. This will be the second year of the five (5) year agreement. The amount of this contract is \$547,778. Countywide (MC)
5. Staff recommends motion to approve: Amendment to agreement (R2007-1627) with Aramark Sports and Entertainment Services, Inc. for the provision of food and beverage services at the Palm Beach County Convention Center for an additional one (1) year period ending September 30, 2009 in the amount of \$100,000, plus 8% of the annual net income. **SUMMARY:** This Amendment extends the existing agreement for food and beverage services at the Convention Center for one (1) year and minor modifications to the terms and conditions of the existing agreement. The minor modifications allow for the streamlining of operational tasks and existing funds to be used for replacement of small wares. Countywide (MC)

5. REGULAR AGENDA

F. AIRPORTS

1. Staff recommends motion to adopt: a Resolution establishing landing fees for General Aviation (GA) operations at Palm Beach International Airport (PBIA); establishing a based aircraft fee; and providing for an effective date. **SUMMARY:** On March 11, 2008, the BCC approved the concept of a GA landing fee at PBIA and directed staff to develop a policy for BCC approval. Staff, after studying the issues and consulting with the PBIA Fixed Base Operators (FBO) and an aviation consultant, recommends the following:

**A)** GA landings at PBIA will be charged a landing fee rate based on aircraft weight, equal to the rate charged to signatory commercial carriers, currently budgeted to be \$1.204 per 1,000 lbs. for Fiscal Year 2009, subject to annual adjustments, with a minimum landing fee of \$15;

**B)** Based Aircraft will pay a based aircraft fee instead of the landing fee, with annual fees ranging from \$180 to \$684, subject to annual adjustments. Based Aircraft currently support PBIA through rentals of hangars or building space and consistently pay fuel flowage fees as compared to itinerant users. Commercial, for profit operations, including, but not limited to, Air Taxi Service, Charter Service, or Flight Schools established to transport other persons or goods for compensation shall not be exempt and shall be subject to Landing Fees;

**C)** Landing Fees will be reported and remitted to the County monthly by the FBO's, with a 15% commission to be retained by the FBOs, subject to review and audit of FBO records to insure accuracy and completeness;

**D)** Military aircraft are exempt from all landing fees; and

**E)** the effective date of implementation will be November 1, 2008.

The fee structure was reviewed and approved by the Aviation and Airports Advisory Board in their meeting of July 17, 2008. Countywide (AH)

G. MEDICAL EXAMINER'S OFFICE

1. Staff recommends motion to adopt: a Resolution increasing fees for cremation certificates issued by the Medical Examiner's Office from Thirty Dollars (\$30) to Fifty Dollars (\$50) per cremation approval. **SUMMARY:** The Palm Beach County Medical Examiner's Office utilizes cremation approval fees to defray Medical Examiner operational cost. Palm Beach County has not increased this fee for the past fifteen (15) years; however, the operational costs for the Medical Examiner's Office has increased 53% since October 1, 1992. Approving this Resolution would increase revenues generated by the Medical Examiner's Office by approximately Ninety Thousand Dollars (\$90,000) during FY 2008-2009. The fee increase will be effective October 1, 2008. Countywide (DW)

5. REGULAR AGENDA

H. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: a Contract with J. W. Cheatham, LLC (Cheatham), the lowest responsive, responsible bidder in the amount of \$3,761,755.11 for the construction of Jog Road from south of Hood Road to Donald Ross Road as a two (2) lane road, and the widening of Donald Ross Road from Jog Road to 64<sup>th</sup> Drive North (Project) to a four (4) lane facility. **SUMMARY:** Approval of this Contract is necessary to allow Palm Beach County to issue a Notice to Proceed to begin construction of the Project. The Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE participation committed for the Project by Cheatham is 15.02%. The time limit for the completion of all work under this contract shall be no more than four hundred (400) calendar days. District 1 (MRE)

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6. BOARD APPOINTMENTS

A. **ENVIRONMENTAL RESOURCES MANAGEMENT**  
**(Groundwater and Natural Resources Protection Board)**

1. **Staff recommends motion to approve:** the appointment of one (1) at-large member to the Groundwater and Natural Resources Protection Board (GNRPB) for a term of three (3) years beginning September 23, 2008, through September 22, 2011:

<u>Nominee</u>	<u>Seat Requirement</u>	<u>Seat No.</u>	<u>Nominated By</u>
Mal Behl	Citizen possessing Expertise and experience Managing a business	7	Comm. McCarty

OR

Mackenson "Mack" Bernard	Citizen possessing Expertise and experience Managing a business	7	Comm. Greene
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**SUMMARY:** Ordinance 92-20 and Article 17.C.7. of the Unified Land Development Code (ULDC) provides for a seven (7) member GNRPB. The membership consists of one (1) professional engineer, one (1) attorney, one (1) hydrologist, one (1) citizen possessing expertise and experience managing a business, one (1) biologist or chemist, one (1) citizen of PBC, and one (1) member of an environmental organization. A memorandum was sent to the Board of County Commissioners on July 22, 2008 requesting nominations for a citizen possessing expertise and experience managing a business to fill Seat No. 7. No other nominations were received. Countywide (SF)

B. **COMMUNITY SERVICES**  
**(Homeless Advisory Board)**

1. **Staff recommends motion to approve:** appointment of the following community and business representative to the Homeless Advisory Board for a term of two (2) years, effective September 23, 2008:

<u>Seat No.</u>	<u>Appointment</u>	<u>Member Category</u>
34	Don Chester	Hospital Executive Officer

**SUMMARY:** On May 1, 2007, the Board of County Commissioners approved a resolution establishing the Homeless Advisory Board. The Advisory Board consists of sixteen (16) core members who are principally elected officials or agency heads (or their designees) and twenty (20) community and business members. The community and business member seats are broken down as follows: seven (7) business representatives; three (3) private foundation representatives; four (4) formerly homeless representatives; one (1) faith based community representative; one (1) philanthropist; one (1) housing authority representative; one (1) hospital executive officer; and two (2) general members. In accordance with the establishing resolution, the community and business representatives to this advisory board are nominated by the core members. This seat was previously held by David Zechman and approved by the Board of County Commissioners on November 6, 2007. The above nomination for a community and business member seat was approved by the core members on July 16, 2008. Countywide (TKF)

6. BOARD APPOINTMENTS

C. **PUBLIC SAFETY**  
**(Victim Coordinating Council)**

1. **Staff recommends motion to approve:** appointment of one (1) at-large member to the Victim Coordinating Council for the terms indicated below:

<b><u>Nominee:</u></b>	<b><u>Representing/Seat No.:</u></b>	<b><u>Terms:</u></b>	<b><u>Nominated by:</u></b>
Pastor Tracy Wilkins	Person Ordained for Religious Services/16	09/23/08 to 09/22/10	Comm. Addie L. Greene

**SUMMARY:** The Victim Coordinating Council is composed of 17 members consisting of: a County Commissioner; State Attorney; Public Defender; Domestic Court Judge; President of the Chief of Police Association; Sheriff; District Administrator of the Florida Department of Children & Families; Director of the Health Department; District Administrator of the Florida Department of Corrections; Director of the Health Care District; Victim Services Compensation Coordinator; a victim of a violent crime; a person from the public with an interest in victim services; a person ordained for religious services; and a representative of the Palm Beach County Medical Examiner's Office. Rabbi Yellin declined reappointment, as he moved out of the country. A memo was sent to the Board on May 28 notifying the Board of the vacancy. No other nominations were received. Countywide (GB)

D. **ADMINISTRATION**  
**(Workforce Alliance, Inc.)**

1. **Staff recommends motion to approve:** the reappointment of Ms. Elizabeth Houlihan and Ms. Kelly Smallridge for the period of three (3) years which began on August 1, 2008, through July 31, 2011; and Mr. William J. Wood for a period of three (3) years which began on February 1, 2007, through January 31, 2010 to the Workforce Alliance, Inc. (Alliance) Board of Directors:

<b><u>Nominee/ Appointment</u></b>	<b><u>Seat No.</u></b>	<b><u>Term</u></b>	<b><u>Area of Representation</u></b>	<b><u>Nominated By</u></b>
Elizabeth Houlihan	9	8/01/2008 Through 07/31/2011	Private Sector	Florida Association of Postsecondary Schools & Colleges
Kelly Smallridge	17	8/01/2008 Through 07/31/2011	Private Sector	The Business Development Board of Palm Beach County
William J. Wood	36	2/01/2007 Through 01/31/2010	Private Sector	Greater Delray Beach Chamber of Commerce

**SUMMARY:** The membership of Workforce Alliance, Inc. (Alliance) conforms to the requirements of the Workforce Investment Act (WIA) of 1998, and the Workforce Innovation Act of 2000. Policy for this item is defined in R2007-1220, Agreement (R2007-1200) between Palm Beach County, Florida (County) and Alliance dated July 10, 2007. Per this Agreement, seventeen (17) private sector member appointments shall be made by County. The Workforce Investment Act of 1998 requests that an emphasis be placed on CEO's or highest level of management positions for both community and business sector appointments. The Alliance Board of Directors is comprised of a minimum of thirty-five (35) members as determined from time to time by the Board of Directors with representatives of business in the local area who are owners of businesses, local educational entities, labor organizations, community-based organizations, economic development agencies, one-stop partners. Countywide (TKF)

6. BOARD APPOINTMENTS

D. ADMINISTRATION  
(Health Care District of Palm Beach County)

2. **Staff recommends motion to approve:** appointment of one (1) individual to the Health Care District of Palm Beach County (HCD), effective October 1, 2008, through September 30, 2012:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
Carol Roberts	3	County Resident	Comm. Greene Comm. Koons

or

Dr. Margaret (Meg) Wilkes			Comm. Kanjian
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**SUMMARY:** Per Chapter 2003-326, Laws of Florida, the HCD is comprised of seven (7) members. The appointing authority shall consider the diverse geographic areas of Palm Beach County in selecting individuals to serve on the HCD, and at least one (1) person, but not more than two (2) shall reside in the Glades Area. The Governor shall appoint three (3) members; the Board of County Commissioners shall appoint three (3) members, one of which must be an elected official at the time of appointment; and one (1) member shall be the director of the Palm Beach County Health Department. Members may serve two (2), four (4) year terms. Seat No. 3 is currently occupied by Dr. Stanley Pierce whose second term expires on September 30, 2008. Countywide (TKF)

E. COMMISSION DISTRICT APPOINTMENTS

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**SEPTEMBER 23, 2008**

**7. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**SEPTEMBER 23, 2008**

**8. COMMISSIONER COMMENTS**

**A. District 1 - COMMISSIONER KAREN T. MARCUS**

**B. District 2 - COMMISSIONER JEFF KOONS, VICE CHAIR**

**C. District 3 - COMMISSIONER ROBERT J. KANJIAN**

**D. District 4 - COMMISSIONER MARY MCCARTY**

**E. District 5 - COMMISSIONER BURT AARONSON**

**F. District 6 - COMMISSIONER JESS R. SANTAMARIA**

**G. District 7 - COMMISSIONER ADDIE L. GREENE, CHAIRPERSON**

**9. ADJOURNMENT**

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

**BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA**

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**SEPTEMBER 23, 2008**

<u>PAGE</u>	<u>ITEM</u>	
8	3A-7	<b>REVISED TITLE: Staff recommends motion to approve: A)... B)</b> Amendment No. 1 to the FY 2008/2009 Annual Action Plan, which will provide funding to five (5) non-profit organizations totaling <del>\$552,000</del> \$522,000 under the revised Community Development Block Grant (CDBG) Economic Set-Aside Program FY 2008/2009. (Admin)
12	3C-13	<b>REVISED SUMMARY:</b> This Time Extension will extend the expiration of the JPA to <del>September 30, 2008</del> <u>March 31, 2009</u> . (Engineering)
12	3C-14*	<b>REVISED: Staff recommends motion to approve subject to receipt of appropriate insurance document: A)</b> a Financial Assistance Agreement with Arborwood Villas Homeowners Association to provide reimbursement funding not to exceed \$6,000 for repair of its portion of the Palmetto Park Road safety/noise barrier wall;... (Engineering)
22	3G-2	<b>DELETED: Staff recommends motion to appoint: A)</b> Broad and Cassel as Bond Counsel for the Series 2009 Water & Sewer Revenue Bonds to be issued under the Reclaimed Water Agreement with Florida Power and Light dated May 20, 2008; and...(OFMB) (Further staff review)
36	5A-1	<b>ADD-ON: Staff recommends motion to adopt:</b> a Resolution of the Board of County Commissioners of Palm Beach County, Florida, declaring its support for the efforts of the State of Florida to acquire land south of Lake Okeechobee for the protection and restoration of America's Everglades and Florida's coastal estuaries, and supporting a south Florida inland port that does not impact upon the restoration of the Everglades. <b>SUMMARY:</b> At the request of Commissioner Karen T. Marcus, the Board directed staff to draft this Resolution. (Admin/Legislative Affairs)
36	5A-2	<b>ADD-ON: Staff recommends motion to:</b>  <b>A) reject</b> proposed Amendments to Agreements; and  <b>B) initiate</b> procedures for contract termination of the Development Agreement (R2007-0579), Hotel Lease (R2007-0580), Residential Land Lease (R2007-0581), and Hotel Room Block Agreement (R2007-0582), with Ocean Properties, LTD and its affiliates to construct the Convention Center Hotel, Residential Condominiums, Garage and Tunnel.  <b>SUMMARY:</b> On April 10, 2007, the Board of County Commissioners (BCC) approved a Development Agreement (R2007-0579), Hotel Lease (R2007-0580), Residential Land Lease (R2007-0581), and a Hotel Room Block Agreement (R2007-0582) for the construction of a 400 room first-class Westin Convention Center Hotel, 104 condominium units, an 1809 space parking garage and a tunnel to connect the garage to the north Convention Center drop off area. Ocean Properties has formally requested that the following Amendments to the Agreements be made due to the fact that they are unable to fulfill their obligations under the Agreements: <b>(1)</b> a reduction in the number of hotel rooms from 400 to 340; <b>(2)</b> elimination of the 104 condominium units; <b>(3)</b> a reduction in the number of parking spaces to be purchased by Ocean Properties from 581 to 69 (A total of 300 spaces are needed for the hotel, 271 will be provided under the hotel and 69 will be provided in the garage) with an

**ADD-ON – SUMMARY CONTINUED:**

option to purchase 500 spaces in the future; **(4)** a modification to the PILOT payment schedule; **(5)** a modification to the garage construction commencement date from April 2008 to April 2009; **(6)** a modification to the garage completion date from January 2009 to January 2010; **(7)** a modification to the hotel construction commencement date from June 2008 to June 2009; **(8)** a modification to the hotel construction completion date from April 2010 to December 2010; and **(9)** an increase in the maximum event room block from 75% of the Hotel's total inventory (400 x 75%= 300 rooms) to 80% (340 x 80%= 272 rooms). Attachment "A" provides a comparison summary of the requested Amendments to the requirements under the executed Agreements.

On June 12, 2008, the Tourist Development Council (TDC) recommended to the Board of County Commissioners that they continue to move forward with a Convention Center Hotel of 400 rooms and the construction of a garage as quickly as possible, with a completion date for the hotel no later than December 2010 and the garage completed by January 2010, or sooner. The TDC supported using the fifth (5<sup>th</sup>) cent to fully fund the garage within limits of the bed tax. Attachment "B" is a copy of the Motion passed by the TDC. On September 12, 2008, a study initiated by the Tourist Development Council and the Convention and Visitors Bureau concluded that any reduction to the currently planned 400 room inventory would place the Palm Beach County Convention Center significantly behind competitive/comparable convention centers. A copy of the report is included as Attachment "C".

Since the April 10, 2007 BCC approval date, the following has been accomplished as required under the Development Agreement:

- 1)** August 7, 2007 – The County received a letter from Mayor Lois Frankel acknowledging that the County has satisfied the requirement in the Settlement Agreement to select an independent architect to review the Hotel Site Project Plans for the compatibility with the architectural design of City Place;
- 2)** August 7, 2007 – The County received a letter from Mayor Lois Frankel confirming that the approved condominium designs have been reviewed by the City and the CRA and determined by the Property Appraiser to be designed to achieve the Condominium Taxable Value of \$32 million as required by the Settlement Agreement;
- 3)** September 18, 2007 – The West Palm Beach Planning Board recommended approval of the Site Plan for the Convention Center Hotel, Condominiums, Garage and Tunnel;
- 4)** October 22, 2007 – The West Palm Beach City Commission approved the Site Plan for the Convention Center Hotel, Condominiums, Garage and Tunnel;
- 5)** December 14, 2007 – The County received notification from WPB West, LLC that they intend to enter into a Construction Agreement with Catalfumo Construction and Development as the General Contractor for the Garage; and
- 6)** February 6, 2008 – The County received a draft Guaranteed Maximum Price for the construction of an 1837 space garage, of which the County's portion is \$34,653,755. This GMP is \$5,346,245 below the maximum price established in the Agreement of \$40,000,000.

The construction plans for the garage are substantially complete. The schematic design drawings for the hotel and condominiums are substantially complete. The construction plans for the hotel and condominiums are approximately 60% complete. No County funds have been expended to date to reimburse Ocean Properties for the garage design and permitting.

- 36 5A-2 **ADD-ON – SUMMARY CONTINUED:**
- In March 2005, Palm Beach County entered into a Settlement Agreement related to the Convention Center Hotel site. The obligations of Ocean Properties under the Settlement Agreement will be assigned to any substitute developer. A summary of the obligations are included as Attachment “D”. Staff received a letter dated September 5, 2008, from Ocean Properties stating that they will agree to terminate our mutual contractual relationship to develop the Convention Hotel. A copy of this letter is included as Attachment “E”. Countywide (JM and HF) (Admin)
- 36 5A-3 **ADD-ON: Staff recommends motion to approve on preliminary reading and advertise for public hearing on October 21, 2008 at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, providing for an Amendment to the Charter of Palm Beach County, Florida, abolishing the Office of the Supervisor of Elections and assigning the functions and duties of said office to the County Administrator; providing for Charter Amendment language; providing for referendum and ballot language; providing for form of notice; providing for adoption by the Board of County Commissioners; providing for severability; providing for inclusion in the Charter; and providing for an effective date. **SUMMARY:** ART. VIII SEC.1(d) of the Florida Constitution provides for County officers (a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court) to *“be elected by the electors of each county.....except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office.”* The draft ordinance would provide for a charter amendment that would abolish the office of an elected Supervisor of Elections in Palm Beach County and transfer the duties of that office to an appointed official, hired by and accountable to the County Administrator. Countywide (LB) (Admin)
- 38 5E-1 **REVISED TITLE & SUMMARY: Staff recommends motion to approve:** An amended and restated agreement (R2007-1622) with the Palm Beach County Cultural Council, Inc. (the “Cultural Council”) for the provision of services under the County’s Tourist Development Plan during the period of October 1, 2008, through September 30, 2012 in the amount of \$877,716. **SUMMARY:** The amended and restated agreement updates for the Fiscal Year 2009 Exhibit “A” – Annual Budget; Exhibit “E” – Performance Measures; revises Exhibit “G” – Salary Ranges; and Exhibit “H” – Organizational Chart and revisions to conflict of interest procedures. Contract changes have been reviewed and approved by the TDC. This will be the second year of the five (5) year agreement between the Cultural Council and the County in the amount of \$877,716. Cultural Council will continue to administer category B grants of \$2.4 million, and category C grants of \$150,000 for the County and indirect costs of \$287,613 for a total of \$3,715,329. This will be the second year of the five year agreement Countywide (MC) (TDC)

**REVISED TITLE & SUMMARY: Staff recommends motion to approve:** An amended and restated agreement (R2007-1623) with Discover Palm Beach County, Inc. d.b.a. Palm Beach County Convention & Visitors Bureau (the "CVB") ~~marketing contract~~ for the provision of services under the County's Tourist Development Plan during the period of October 1, 2008, through September 30, 2012 in the amount of \$9,425,528. **SUMMARY:** The amended and restated agreement ~~expands the scope of work to include Product Development along with Air Lift Development;~~ updates for Fiscal Year 2009 Exhibit "A" – Annual Budget; Exhibits "B" – Moving Expense Policy; Exhibit "F" – Performance Measures; Exhibit "H" – Salary Policy; ~~establishes a new – Convention Center Booking Policy;~~ Exhibit "I" - Salary Structure Ranges, increased upper limit of a purchase from \$30,000 to \$50,000 that requires the approval of the TDC director in addition to all other purchasing requirements, new requirement to coordinate with appropriate parties for Product and Airlift Development and revisions to conflict of interest procedures. ~~and Exhibit "J" – Organizational Chart.~~ This will be the second year of the five (5) year agreement between CVB and the County. The amount of this contract is \$9,425,528. This agreement is for the amount of \$9,425,528. In addition, the following accounts are under the purview of Discover; indirect costs of \$525,000 and other marketing and promotional expenses of \$100,000 for a total of \$10,050,528. Countywide (MC) (TDC)

**REVISED TITLE & SUMMARY: Staff recommends motion to approve:** An amended and restated agreement (R2007-1625) with Palm Beach County Sports Commission, Inc. (the "PBCSC") for the provision of services under the County's Tourist Development Plan during the period of October 1, 2008, through September 30, 2012 in the amount of \$870,800. **SUMMARY:** The amended and restated agreement **(A)** updates for Fiscal Year 2009 Exhibit "A" – Annual Budget; Exhibit "C" - Travel & Entertainment; Exhibit "E"- Performance Measures; Exhibit "G" – Salary Structure; Exhibit "H" – Organizational Chart; **(B)** make certain amendments of a technical nature to the body of the contract; **(C)** revise Exhibit "I"- Conflict of Interest and **(D)** adds a new Exhibit "J" - Car Allowance. In addition, a total of \$510,000 in indirect costs is under their purview of PBCSC for a total of \$1,380,810. Contract changes have been reviewed and approved by the TDC. This is the second year of the five (5) year agreement. The amount of this contract is \$870,800. Countywide (MC) (TDC)

**REVISED TITLE & SUMMARY: Staff recommends motion to approve:** An amended and restated agreement (R2007-1624) with the Palm Beach County Film and Television Commission (the PBCFTC) for the provision of services under the County's Tourist Development Plan during the period of October 1, 2008, through September 30, 2012 in the amount of \$547,778. **SUMMARY:** The amended and restated agreement updates Fiscal Year 2009 Exhibit "A" – Annual Budget; Exhibit "F" - Performance Measures; and Exhibit "I" – Salary Ranges and revisions to conflict of interest procedures. Contract revisions have been reviewed and approved by the Tourist Development Council (TDC). In addition, indirect costs and reserves totaling \$155,240 are under the purview of PBCFTC for a contract totaling \$703,018. This will be the second year of the five (5) year agreement. The amount of this contract is \$547,778. Countywide (MC) (TDC)

**ADD-ON:**

**Staff recommends motion to approve:**

**A)** a Budget Transfer of \$19,400 in the Transportation Improvement Fund from Reserves for District 4 to Orange Boulevard Phase I – 140<sup>th</sup> Avenue to 130<sup>th</sup> Avenue North; and

**B)** a Budget Transfer of \$19,400 in the Capital Outlay Fund from Orange Boulevard Phase I – 140<sup>th</sup> Avenue to 130<sup>th</sup> Avenue North to Bus Repairs-Achievement Centers for Children and Families Foundation – District 4; and

**C)** a Reimbursement Agreement with Achievement Centers for Children and Families Foundation for repairs and upgrades to their bus fleet.

**SUMMARY:** Approval of the Budget Transfers and Reimbursement Agreement will provide funds to help pay for air conditioning and brake repairs to Achievement Centers for Children and Families Foundation’s bus fleet. District 4 (MRE) (Engineering)

41 6A-1

**REVISED TITLE:** Staff recommends motion to approve: the appointment of one (1) at-large member to the Groundwater and Natural Resources Protection Board (GNRPB) for a term of three (3) years beginning September 23, 2008, through September 22, 2011: (ERM)

<u>Nominee</u>	<u>Seat Requirement</u>	<u>Seat No.</u>	<u>Nominated By</u>
Mal Behl	Citizen possessing Expertise and experience Managing a business	7	Comm. McCarty

**OR**

<del>Mackenson “Mack” Bernard</del>	<del>Citizen possessing Expertise and experience Managing a business</del>	<del>7</del>	<del>Comm. Greene</del>
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45 8C

**ADD-ON:** Certificate of Appreciation to Specialist Kevin Hardin, United States Army, in appreciation of his courageous service in Iraq as a Soldier in the Global War on Terror. (Sponsored by Commissioner Kanjian)

**NOTE:** Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (\*).